



**Manitoba  
Department of Justice  
Public Prosecutions**

**Guideline No. 2:IND:1**

**Policy Directive**

**Subject: Indictable Offences - Appearances by Accused**

**Date: January 1, 1991**

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**POLICY STATEMENT:**

Persons charged with indictable offences will be obliged to appear in court personally on each and every remand or any indictable offence. This obligation will apply to all court locations throughout the province, and is subject to the following exceptions:

- 1) "Hybrid" offences: Although these are deemed to be indictable offences until the Crown enters its election or until a plea is entered, the Crown will insist on personal appearances only upon the first remand at which indictable procedure is elected by the Crown, and at all remands thereafter. In these cases the Crown Attorney should notify defence counsel on the record where there is an intention to enter an election to proceed by indictment on the next appearance date. Files should be assessed as soon as possible, preferably before first appearance, to determine how the Crown intends to proceed.
- 2) Crown Discretion: In appropriate circumstances the Crown may waive mandatory personal appearances, for example where requiring a personal appearance would cause undue hardship, the offence is not serious and the matter is only to be remanded on the appearance date.

**RATIONALE:**

It is desirable that the Criminal Code requirement of personal appearances on indictable matters be adhered to. However, an inflexible application of the general rule is not necessary in the case of "hybrid" offences, the vast majority of which result in a summary proceeding. In such cases it is sufficient to require personal appearances only once it has been determined that the matter will proceed by indictment.

It is appropriate for the Crown to exercise discretion where the failure to do so would result in undue hardship.