



IN THE SUPREME COURT OF BERMUDA
CRIMINAL JURISDICTION

REPORT ON CONSULTATION PROCESS
(GUIDANCE NOTES AND CASE MANAGEMENT FORMS)

ISSUED BY THE REGISTRAR

Ref. A/50

Friday 27 January 2017

CIRCULAR No. 3A of 2017

CONSULTATION PROCESS

1. This is a report on the consultation process arising out of the draft Guidance Notes and Case Management Forms (the Forms) issued by the Registrar on 3 October 2016.
2. The consultation process took place over the course of approximately 4 ½ hours in aggregate. The first part of the consultation process was held on Friday 2 December 2016¹ in the Registrar's Chambers. The meeting was continued through to completion on Tuesday 6 October 2016.
3. Counsel were also invited to submit any input for consideration in writing to the Registrar on or prior to Friday 16 December 2016.
4. On 28 December 2016 a written reply was received by the Director of Public Prosecutions, Larry Mussenden (the DPP).

¹ The 2 December 2016 meeting was fixed by the Circular issued on 3 October 2016

SUMMARY OF INPUT RECEIVED

ATTENDEES:

5. The following Counsel attended the meeting held in the Registrar's Chambers on 2 December 2016:
 - 1) Director of Public Prosecutions, Larry Mussenden
 - 2) Deputy Director of Public Prosecutions, Carrington Mahoney
 - 3) Senior Crown Counsel (Specialist), Alan Richards
 - 4) Crown Counsel, Loxly Rickerts
 - 5) Crown Counsel, Crystal Hannah
 - 6) Senior Legal Aid Counsel, Susan Moore-Williams
 - 7) Defence Counsel, Elizabeth Christopher

6. The following Counsel attended the second meeting held in the Registrar's Chambers on 6 December 2016:
 - 1) Director of Public Prosecutions, Larry Mussenden
 - 2) Senior Crown Counsel (Specialist), Alan Richards
 - 3) Crown Counsel, Crystal Hannah
 - 4) Senior Legal Aid Counsel, Susan Moore-Williams
 - 5) Defence Counsel, Elizabeth Christopher
 - 6) Defence Counsel, Vaughan Caines

INPUT RECEIVED BY THE DIRECTOR OF PUBLIC PROSECUTIONS

7. Principally, the following points were made by the DPP and his Crown Counsel:
 - (i) The timelines originally provided in the Guidance notes for the exchange of materials for joint hearing bundles should each be extended
 - (ii) The Crown will no longer, by way of policy, seek to have Accused persons placed in the Supreme Court for the first Arraignment Session after they are sent to the Supreme Court by the Magistrates' Court. This will assist in reducing the unproductive accumulation of Accused persons appearing in

the Supreme Court before the 70 day deadline within which FORM 1 is to be filed and served

- (iii) Forms do not contemplate an updated Defence Statement and
- (iv) Section 30 (1) is not to be construed as an obligation on the Crown to make an application for leave to file and serve additional evidence

8. The DPP's submission on the true meaning behind section 30CJPA is cited below:

The DPP's Submission that Section 30(1) does not require the Crown to seek leave before filing Notices of Additional Evidence

The principal issue upon which DPP respectfully disagrees with the draft Guidance and Forms is the need for the prosecution to obtain leave before serving or relying upon the content of a Notice of Additional Evidence (see for example paragraphs 198 to 200). It is respectfully contended that the guidance misstates that effect of the relevant law in this regard.

Section 29 of the C.J.P.A requires the prosecution to "disclose its case in accordance with section 4 of the D.C.R.A 2015 as soon as reasonably practicable..." and, in any event (subject to extension pursuant to section 30), within 70 days of the case being sent to the Supreme Court (sub-section (3)). Section 4 of the D.C.R.A does not govern service of the prosecution case (i.e. the evidence upon which the Crown relies). It governs initial disclosure of unused material. DPP contends that this is clearly a mistake by the statutory draftsman and that the language of the section indicates that it must have been intended to set a time limit for compliance with section 3(1) of the D.C.R.A (whether or not it also established one in respect of section 4).

Section 3 D.C.R.A requires the prosecution to serve, inter alia, "a written copy of the evidence on which the prosecutor intends to rely" (sub-section (1)(c)). Thus it does not require the prosecution to serve all the evidence upon which it could or will rely, but only that which, at the relevant time, it intends to deploy against the Accused.

*Sub-section (4) then provides that the section is:
"...without prejudice to the right of the prosecutor to:*

...
(b) seek leave of the court to pursue fresh charges, provided that the prosecutor first serves a copy of the fresh charges on the accused person;

(c) rely on additional evidence at trial, provided that the prosecutor first serves a copy of the additional evidence on the accused person”

The contrast between the opening words of these two paragraphs makes it plain that the Legislature did not intend section 29 to be construed as requiring all the evidence upon which the Crown may rely at trial to be served within the 70-day time limit imposed by section 29 C.J.P.A. Had that been the intention, paragraph (c) would have contained clear reference to the “leave of the court”, in common with paragraph (b).

Section 30 C.J.P.A is intended to accommodate a situation in which the prosecutor cannot comply with section 3(1) of the D.C.R.A within the allotted 70 days (as established by section 29). In such a situation the prosecution may apply for an extension of that period. It does not follow that a section 30 application must be made in advance of any Notice of Additional Evidence. The right to rely upon additional evidence at trial is expressly preserved by section 3(4)(c) D.C.R.A.

It is not doubted that the Crown can, where appropriate, be prevented from relying upon evidence at trial upon the grounds that it was not disclosed to the defence in a timely fashion. Section 93 of the Police and Criminal Evidence Act 2006 will equip the Court to exclude such evidence if it concludes that “having regard to all the circumstances... the admission of the evidence would have such an adverse effect on the fairness of the proceedings that the court ought not to admit it”. That determination will fall to be made on a case-by-case basis, but on the basis of an application to exclude the evidence. There is no statutory test for the admission of evidence disclosed otherwise than in accordance with section 29 C.J.P.A precisely because the legislation does not operate on the presumption that such evidence is inadmissible without leave.

INPUT RECEIVED BY THE CRIMINAL DEFENCE BAR:

9. Defence Counsel, Elizabeth Christopher, submitted that the Forms are generally more ideal in principle than in reality for the following reasons:
 - (i) FORM 2 requires the Defence to resolve the issue of sufficiency of evidence at a stage when it most often will not have the benefit of a Legal Aid Certificate to fund related legal fees;

- (ii) FORM 3 and FORM 4 calls for excessive disclosure of detail from the Defence (As an example, Ms Christopher requested the removal of Questions 66-71 from FORM 3.)
 - (iii) FORM 3 and FORM 4 require excessive pre-trial preparation and case analysis from the Defence at too early a stage prior to trial. In reality, this is not practical; and
 - (iv) Defence Counsel are often made to wait for the issuance of Legal Aid Certificates because the legal aid system is not determining applications in a timely manner. This leaves Defence Counsel without adequate funding to properly consider and determine the pre-trial issues questioned in the Forms.
10. Both Ms Christopher and Mr. Caines expressed strong views against accepting any obligation on the Defence to serve a section 5 Defence Statement (FORM 3 and FORM 4) without an assurance that the Crown would need to obtain the Court's leave under section 30 before filing additional evidence.
11. Ms. Christopher remarked that a collaborative effort between all stakeholders would be required in order for the new case management scheme to work optimally. Ms Christopher expressed willingness on her part to cooperate accordingly.

INPUT RECEIVED BY THE LEGAL AID DEPARTMENT

12. The attending Senior Legal Aid Counsel urged Counsel to be reminded of the following:
- (i) The Bar Association has a Legal Aid Committee which allows for Counsel to express their views on how to improve the Legal Aid scheme. The Senior Legal Aid Counsel is continuously willing to meet and discuss any such issues and to work collaboratively to reduce administrative delays impacting on the Court's case management scheme.
 - (ii) Defendants should be encouraged by Defence Counsel to advise their prospective clients to swiftly compile the supporting documentation requisite to the application for legal aid; and

- (iii) Temporary Certificates may be issued by the Legal Aid Committee to finance legal fees for interim applications in circumstances where there has been insufficient time or opportunity to obtain a full legal aid certificate.

DECISION ON PROPOSALS BY COUNSEL AFTER CONSULATION

Application of S. 30 CIPA to Notices of Additional Evidence

13. Section 30 CIPA is entitled '*Extension of time limit for service of documents*'. (Arguably, an application for leave for the Prosecutor to serve documents is conceptually flawed as the Crown has a continuing duty to disclose to the Defence all relevant used and unused material.)
14. Section 30 refers to the Prosecutor's ability to apply for an extension of the 70 day time limit set out in section 29 CIPA.
15. Section 29 CIPA provides an ultimate 70 day deadline for the Prosecution to 'disclose its case' in accordance with section 4 of the DCR.
16. Section 29 does not specifically refer to section 3 of the DCR, albeit that the duty to disclose the Crown's case is set out in section 3.
17. Section 29 must have been intended to apply to the Crown's duty to disclose its case under section 3 and its duty to disclose all relevant unused material in its possession under section 4DCR.
18. Parliament could not have intended that the Crown's 70 day deadline to disclose all relevant unused material would be in isolation of the Crown's duty to disclose its case within the same timeframe.
19. If section 29 did not include the Crown's section 3 duty to disclose its case, then it would mean that the Crown is not governed by a statutory deadline within which to serve its case on the Defence. This could not have been Parliament's intention.
20. Section 29 necessarily applies to the Crown's section 3 duty to disclose its case. It follows that it also applies to the Crown's case under Notices of Additional

Evidence because Notices of Additional Evidence relate only to evidence which the Crown intend to rely on.

21. Accordingly, any Notices of Additional Evidence for filing after the said section 29 deadline should only be done after leave of the Court is issued under section 30 of the CJPA (applications for extension of time).
22. The DPP accepts that section 30 was intended to apply to evidence which could not have reasonably been served within the 70 day deadline. The DPP also accepts that Parliament intended for section 29 to apply to the disclosure of the Crown's case under section 3 DCR. However, the DPP did not specify the kind of evidence that section 30 would apply to, if not Notices of Additional Evidence.
23. It must, therefore, follow that section 30 is intended for the Court's leave to be sought for further elements of its case to be filed and served where the Crown were unable to do so within the 70 day time limit. Otherwise, it begs to question to what type of evidence Parliament intended for section 30 to apply.
24. While a literal interpretation of the wording of section 30 unintentionally suggests a need for the Crown to obtain leave in order to *disclose* evidence beyond the section 29 deadline, in practice the application for leave of the Court is actually for the allowance of the admission of the evidence in question. Whether the not the Crown obtain leave under section 30, the duty to disclose all relevant used and unused material to the Defence is absolute and continuing.
25. As originally stated under the Guidance Notes, the requirement for the Crown to obtain leave under section 30 for an extension of time is not to be confused with the Crown's continuing duty to disclose unused material. (See section 6 and 7 of the DCR).
26. The Crown is duty bound to disclose all relevant evidence whether it proposes to rely on that evidence or not.

Concern for excessive detail required by the Defence Forms

27. The Forms are a mere photograph of the developing stages of the case during the pre-trial case management process.

28. The Forms are not intended to impose obligations which have not already been statutorily created or imposed as a duty to assist the Court with case management.
29. Where it is the Defence's position that it is exempt from having to answer any particular question in the Forms, the submission should be made to the Court for judicial resolve by the Case Management Judge. In any event, unless otherwise ordered by the Court, the Forms must be filed (whether partially completed or not.)

FORM 1

30. The word 'Indictment' was removed from Question 2 on the basis that, in practice, the Registry provides Counsel with copies of the Indictments.
31. Question 21 was rephrased to inquire solely into any information already known to the Crown in respect of a Crown witness' history of mental illness or psychological disorder. Question 21 does not impose an obligation for the Crown to investigate into a witness' mental illness or psychological disorder. Question 21A was added to inquire whether any such known information was disclosed.
32. The words '*not yet before the Court*' were not removed from Question 30 notwithstanding the DPP's proposal's for the omission. The duty to provide notice of a joinder application is not restricted to applications to join persons already charged before the Court. If the Crown assert a basis upon which they will not to disclose information related to a joinder application with persons not yet charged before the Court, an application for leave not to disclose ought to be made to the Court.
33. The timelines for the exchange of materials for the Joint Hearing Bundle were also expanded.

FORM 2

34. The title of FORM 2, "Defence Pre-Arraignment Notice", was kept in place notwithstanding initial discussions to amend the title. The FORM 2 applications relate to applications where the legislation contemplates its making prior to arraignment of the Accused. Where an Accused person seeks to make an application after having been arraigned, a successful FORM 2 application may

necessarily result in a *Nolle Prosequi* or other formal method of disposal of the charges on the indictment.

35. The timelines for the exchange of materials for the Joint Hearing Bundle were also expanded. The DPP's proposal for 21 days within which to file a reply to the Defence's supporting documents for the application to challenge the sufficiency of evidence was decided to be excessive. Where there is a challenge to the sufficiency of evidence to support a charge and particularly where a person's liberty is deprived, all efforts to minimize delay for a judicial determination are essential.
36. It is also envisaged that the Crown, having approved and brought the charges against an Accused person, will be well equipped to argue sufficiency of evidence from the outset of the case.
37. The timeline for the Filing of Form 2 was expanded from 7 days to 14 days to enable Defence Counsel to obtain a temporary Legal Aid Certificate where necessary for the challenge of the sufficiency of evidence.

FORM 3 and FORM 4

38. No questions were removed from FORM 3 or FORM 4, notwithstanding Ms Christopher's suggestion that the questions called for excessive details from the Defence. It was established during the consultation process that the Forms would serve as a mere photograph of the status of the case in its developing pre-trial stages. Where Counsel take the view that particular details are not disclosable, then they may choose to address unanswered questions in the Forms with the Court.
39. The timelines for the exchange of materials between Counsel for the filing of a Joint Hearing Bundle were expanded as requested during the consultation process to allow Counsel additional time to compile skeleton arguments and to obtain any authorities upon which either side might rely.

FORM 5

40. Questions 26-27 were changed to substitute the 15 minute reference to 30 minutes for the list of witnesses whose evidence-in-chief duration is to be estimated in the FORM 5.

NEW PROCEDURES FOR EMAILING THE COURT

41. Paragraph 17 of the Draft Guidance Notes was amended to include the new mandatory requirement for all permissible email correspondence for the Court to be sent to supremecourt@gov.bm.

ACKNOWLEDGMENT OF THANKS

42. Much appreciation is extended to the DPP, Larry Mussenden, the Deputy DPP, Carrington Mahoney and other participating Crown Counsel for their very learned and helpful input in the consultation process.
43. Equally, the Court's gratitude is conveyed to Elizabeth Christopher's learned participation on behalf of the Criminal Defence Bar and the valued participation of the Senior Legal Aid Counsel.

Dated this 27 day of January 2017



Shade Subair Williams
REGISTRAR

**SUPREME COURT OF BERMUDA
PRE-TRIAL AND CASE MANAGEMENT HEARINGS**



**CRIMINAL JURISDICTION AND PROCEDURE ACT 2015
DISCLOSURE AND CRIMINAL REFORM ACT 2015
CRIMINAL PROCEDURE RULES 2013
POLICE AND CRIMINAL EVIDENCE ACT 2006
CRIMINAL CODE ACT 1907
THE EVIDENCE ACT 1905**

PRACTICE DIRECTION FORM 4 *(issued by the Registrar 27 January 2017)*

DEFENCE STATEMENT (TRIAL TIMETABLE)

SEE GUIDANCE NOTES UNDER PRACTICE DIRECTION No. 3 of 2017
PRIOR TO COMPLETION OF THIS FORM

THE QUEEN v

Indictment No. ___ of 20__

TRIAL TIMETABLE

NOTICE OF PRE-TRIAL APPLICATIONS BY THE DEFENCE

1
Does the Defence intend to make any pre-trial applications to the Court?

YES NO

1A
Has the Defence reviewed the Guidance Notes applicable to this Form?

YES NO

2
If the answer to 1 is YES, state nature of the pre-trial application(s)?

N/A

2A
If the answer to 1 is YES, state the relief/ order(s) sought of the Court:

N/A

3
If the answer to 1 is YES, did the Defence make the nature of the pre-trial application(s) and the statutory provisions and case law which will be relied on in support known to the Prosecutor?

YES N/A NO

4
If the answer to 3 is NO, does the Defence confirm its understanding that this is required to be done on or before the day this Form is due to be filed as a step towards filing a joint hearing bundle?

YES N/A NO

NOTICE OF REQUEST FOR WITNESS TO BE TENDERED FOR XX

<p>20 Has the Prosecutor indicated whether any of the witnesses, whose statements were served as used material, will <u>not</u> be called at trial?</p> <p>YES NO</p>	<p>21 If the answer to 20 is YES, did the Defence inform the Prosecution of any particular witnesses required to be tendered for cross-examination?</p> <p>YES N/A NO</p>
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<p>22 Does the Defence need to address the Court on issues arising under 20-21?</p> <p>YES N/A NO</p>	<p>23 If the answer to 22 is YES, will the Defence be referring the Court to any statutory provisions and/or case law in support of objections?</p> <p>YES N/A NO</p>
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<p>24 If the answer to 23 is YES, did the Defence make the statutory provisions and case law which will be relied on in support known to the Prosecutor?</p> <p>YES N/A NO</p>	<p>25 If the answer to 24 is NO, does the Defence confirm its understanding that this is required to be done on or before the day this Form is due to be filed as a step towards filing a joint hearing bundle?</p> <p>YES N/A NO</p>
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EDITING RECORDS OF ACCUSED STATEMENTS

<p>26 Does the Defence assert the need for edits to be made to transcripts and/or recordings of statement(s) by the Accused?</p> <p>YES N/A NO</p>	<p>27 If the answer to 26 is YES, has the Defence made this known to the Prosecutor?</p> <p>YES N/A NO</p>
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<p>28 Did the Defence liaise with the Prosecutor to identify any agreeable edits to transcripts / recordings?</p> <p>YES N/A NO</p>	<p>29 Does the Defence need to address the Court on issues arising under 26-29?</p> <p>YES NO</p>
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EDITING VIDEO /AUDIO CROWN EXHIBITS

<p>30 Does the Defence assert the need for edits to be made to video and/or audio exhibits which the prosecution intends to produce at trial?</p> <p>YES N/A NO</p>	<p>31 If the answer to 30 is YES, has the Defence made this known to the Prosecutor?</p> <p>YES N/A NO</p>
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<p>32 Did the Defence liaise with the Prosecutor to identify any agreeable edits?</p> <p>YES N/A NO</p>	<p>33 Does the Defence need to address the Court on issues arising under 30-33?</p> <p>YES NO</p>
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REMOVAL OF PHOTOGRAPHS FROM CROWN PHOTO ALBUMS

<p>34 Does the Defence assert the need for the removal of any photographs from photo albums which the Prosecution intends to exhibit?</p> <p>YES N/A NO</p>	<p>35 If the answer to 34 is YES, has the Defence made this known to the Prosecutor?</p> <p>YES N/A NO</p>
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<p>36 Did the Defence liaise with the Prosecution in attempt to agree which photographs can be agreed for inclusion in the photo album(s)?</p> <p>YES N/A NO</p>	<p>37 Does the Defence need to address the Court on issues arising under 34-37?</p> <p>YES NO</p>
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NOTICE OF ESTIMATED LENGTH OF DEFENCE CASE

<p>38 Does the Defence intend to call the Accused to give evidence?</p> <p>YES NO</p>	<p>39 Does the Defence intend to call any witnesses?</p> <p>YES NO</p>
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<p>40 If the answer to 39 is YES, how many witnesses does the Defence intend to call?</p>	<p>41 Select any of the following which categorizes any Defence witness:</p> <p>a. vulnerable person; b. minor in age; c. afflicted by a medical or mental condition which requires special consideration; d. not fluent in English language; or e. resident overseas</p> <p>NONE OF THE ABOVE</p>
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42
If the answer to 38 and/or 39 is YES, list the names of the witnesses and expected time estimates for the evidence-in-chief of each of those witnesses (including the Accused where applicable):

DEFENCE EXHIBITS (ELECTRONIC)

<p>43 Does the Defence intend to play any video or audio evidence for the jury?</p> <p>YES NO</p>	<p>44 If the answer to 43 is YES, what is the duration of the footage?</p> <p>HOURS: MINUTES: N/A</p>
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<p>45 Does the Defence intend to rely on the Court to provide electronic equipment for the viewing or listening of the evidence?</p> <p>YES NO</p>	<p>46 Does the Defence need to address the Court on issues arising under 43-46?</p> <p>YES NO</p>
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NOTICE OF REQUEST FOR SITE VISIT

<p>47 Does the Defence intend to invite the Court to attend any site visits?</p> <p>YES NO</p>	<p>48 If the answer to 47 is YES, state the location:</p> <p align="right">N/A</p>
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<p>49 If the answer to 47 is YES, state whether the site visit should be scheduled at any particular stage of trial:</p>	<p>50 Does the Defence need to address the Court on issues arising under 47-50?</p> <p>YES NO</p>
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NOTICE OF SECURITY CONCERNS

51
Does the Defence perceive any particular security concerns which are likely to arise at trial?

YES NO

52
Does the Defence need to address the Court in respect of security concerns?

YES NO

THIS FORM MUST BE FILED AND SERVED NO LATER THAN WITHIN 28 DAYS OF THE DATE ON WHICH THE PROSECUTION SERVED FORM 1.

DATE PROSECUTION SERVED FORM 1:

_____ DAY _____ OF _____ 20_____

NAME AND SIGNATURE

PRINTED NAME OF DEFENCE COUNSEL AND FIRM:

SIGNATURE OF ACCUSED OR DEFENCE COUNSEL:

This form should be completed after careful review of the Guidance Notes

REGISTRY DATE FILING STAMP SHOULD BE PLACED HERE:

SUPREME COURT OF BERMUDA
PRE-TRIAL AND CASE MANAGEMENT HEARINGS
CRIMINAL PROCEDURE RULES 2013
CRIMINAL JURISDICTION AND PROCEDURE ACT 2015
DISCLOSURE AND CRIMINAL REFORM ACT 2015
CRIMINAL CODE ACT 1907



PRACTICE DIRECTION FORM 1 *(issued by the Registrar 27 January 2017)*
PROSECUTION DISCLOSURE NOTICE
GUIDANCE NOTES UNDER PRACTICE DIRECTION No. 3 of 2017
MUST BE READ THOROUGHLY PRIOR TO COMPLETION OF THIS FORM

THE QUEEN v

Indictment No. _____ of 20____

DATE SENT FROM THE MAGISTRATES' COURT
TO THE SUPREME COURT:

DATE OF FIRST APPEARANCE
IN THE SUPREME COURT:

____ DAY _____ OF _____ 20____

____ DAY _____ OF _____ 20____

DATE ARRAIGNED (if plea(s) entered):

____ DAY _____ OF _____ 20____

PROSECUTION COUNSEL:

DEFENCE COUNSEL:

SECTION 3 DISCLOSURE AND CRIMINAL REFORM ACT 2015

USED MATERIAL

1 Was the Defence served with a written summary of the Prosecution's case? YES _____ NO _____	2 Was the Defence served with a copy of the Information ? YES _____ NO _____
3 Was the Defence served with copies of all witness statements ? YES _____ NO _____	4 Was the Defence served with copies of all video and audio recordings of witness interviews ? YES _____ N/A _____ NO _____
5 Was the Defence served with all expert reports ? YES _____ N/A _____ NO _____	6 Was the Defence served with copies of all maps, charts or other visual aids for trial? YES _____ N/A _____ NO _____
7 Was the Defence served with copies of all recordings of inculpatory or mixed statements of the Accused ? YES _____ N/A _____ NO _____	8 Was the Defence served with copies of all transcripts for statements described in 7? YES _____ N/A _____ NO _____

WHERE THE REPLY TO ANY OF THE ABOVE QUESTIONS IS 'NO', THE PROSECUTOR MUST APPLY TO THE COURT UNDER SECTION 30 OF THE CRIMINAL JURISDICTION AND PROCEDURE ACT 2015 FOR AN ORDER ALLOWING AN EXTENSION OF TIME.

GUIDANCE NOTES UNDER PRACTICE DIRECTION No. 3 of 2017
MUST BE READ THOROUGHLY PRIOR TO COMPLETION OF THIS FORM

SECTION 4 DISCLOSURE AND CRIMINAL REFORM ACT 2015	
RELEVANT UNUSED MATERIAL	
<p>9 Was the Defence served with all relevant unused material in possession of the Bermuda Police Service and the Director of Public Prosecution's office?</p> <p>YES NO</p>	<p>10 Does the Prosecutor assert there is no unused material in existence?</p> <p>YES NO</p>
<p>11 Was the Defence served with all written, video and audio recorded witness statements obtained by the Crown?</p> <p>YES NO</p>	<p>12 Was the Defence served with copies of all Accused statements (including exculpatory and no comment)?</p> <p>YES N/A NO</p>
<p>13 Was the Defence served with all unused expert reports and related notes?</p> <p>YES N/A NO</p>	<p>14 Was the Defence served with all police notes?</p> <p>YES N/A NO</p>
<p>15 Was the Defence served with all custody records in in this case or in connection to this case?</p> <p>YES N/A NO</p>	<p>16 Was the Defence served with all search reports in this case or in connection to this case?</p> <p>YES N/A NO</p>
<p>17 Was the Defence served with all warrants obtained in this case or in connection to this case?</p> <p>YES N/A NO</p>	<p>18 Was the Defence served with all underlying warrant documents in this case or in connection to this case?</p> <p>YES N/A NO</p>
<p>19 Was the Defence served with copies of any and all existing police disciplinary records for police officers involved or connected to the case?</p> <p>YES N/A NO</p>	<p>20 Was the Defence served with copies of any and all existing antecedent records for civilian witnesses involved or connected to the case?</p> <p>YES N/A NO</p>
<p>21 Has the Crown been made aware of any history of mental illnesses or psychological disorders in respect of all the Crown witnesses involved or connected to the case?</p> <p>YES N/A NO</p>	<p>21A If YES to 21, has the Prosecutor made the Defence aware of any such known history of mental illnesses or psychological disorders?</p> <p>YES N/A NO</p>
<p>22 Did the Prosecution contact the Defence to explain the non-disclosure of any outstanding items and state a timeframe within which disclosure would be made?</p> <p>YES N/A NO</p>	
NOTICE OF PUBLIC INTEREST APPLICATION	
<p>23 Has the Prosecutor filed a Public Interest application under section 8 of DCRA?</p> <p>YES N/A</p>	<p>23A If YES to 23, has the Prosecutor given notice of the application to the Defence?</p> <p>YES N/A</p>
<p>24 Does the Prosecutor intend to file a Public Interest application under section 8 of DCRA?</p> <p>YES N/A</p>	<p>24A If YES to 24, what is the nature of the undisclosed evidence?</p>

NOTICE OF JOINDER OF CHARGES APPLICATION

<p>30 Does the Prosecutor intend to make an application to join the charges on this Indictment to any other charges already before the Court (or not yet before the Court?)</p>	<p>31 If YES to 30, has the Prosecutor made the Defence aware of the intended joinder application?</p>
<p>YES NO</p>	<p>YES N/A NO</p>

32
If YES to 30, state the names of any other persons (and case numbers where applicable) who would be joined as Defendants to this Indictment if the joinder application is granted:

N/A

33
If YES to 30, state the names of any witnesses whose evidence will be relied on to support the joinder application:

N/A

GUIDANCE NOTES UNDER PRACTICE DIRECTION No.3 OF 2017
MUST BE READ THOROUGHLY PRIOR TO COMPLETING THIS FORM

THIS FORM MUST BE FILED AND SERVED NO LATER THAN WITHIN 70 DAYS OF THE DATE ON WHICH THE ACCUSED WAS SENT BY THE MAGISTRATES' COURT.

PROSECUTOR'S CALCULATION OF 70 DAYS FROM DATE ACCUSED SENT FROM MAGISTRATES' COURT:

_____ DAY _____ OF _____ 20_____

PROSECUTOR'S NAME PRINTED:

PROSECUTOR'S SIGNATURE:

REGISTRY DATE/TIMING STAMP SHOULD BE PLACED HERE:

SUPREME COURT OF BERMUDA
PRE-TRIAL AND CASE MANAGEMENT HEARINGS
CRIMINAL PROCEDURE RULES 2013
CRIMINAL JURISDICTION AND PROCEDURE ACT 2015
DISCLOSURE AND CRIMINAL REFORM ACT 2015
CRIMINAL CODE ACT 1907



PRACTICE DIRECTION FORM 2

DEFENCE PRE-ARRAIGNMENT NOTICE

SEE GUIDANCE NOTES ISSUED BY REGISTRAR UNDER PRACTICE DIRECTION # 3 of 2017

THE QUEEN v

Indictment No. ___ of 20__

PROSECUTION COUNSEL:	DEFENCE COUNSEL:
DATE SENT TO THE SUPREME COURT FROM THE MAGISTRATES' COURT: ____ DAY ____ OF ____ 20__	DATE OF FIRST APPEARANCE IN THE SUPREME COURT: ____ DAY ____ OF ____ 20__
DATE ARRAIGNED: ____ DAY ____ OF ____ 20__	

INITIAL PROSECUTION DISCLOSURE CHECKLIST

1 Is the Defence in possession of the Information and Indictment containing the charges? YES _____ NO _____	2 Has the Defence been served with a written summary of the Prosecution case? YES _____ NO _____
3 Has the Defence been served with copies of police witness statements ? YES _____ NO _____	4 Has the Defence been served with copies of civilian witness statements ? YES _____ NO _____
5 Has the Defence been served with copies of statements by the Accused ? YES _____ NA _____ NO _____	6 Does the Defence assert that the Prosecution incorrectly replied to any of questions 1-8 in FORM 1? YES _____ NO _____

APPLICATION TO DISMISS CHARGE(S) ON INDICTMENT

NOTICE OF SECTION 31 CRIMINAL JUSTICE AND PROCEDURE ACT 2015 APPLICATION

7 Does the Defence intend to make a section 31 application to dismiss any of the charges? YES _____ NO _____	8 If YES to 7, does the Defence intend to make a written or oral application in Court? WRITTEN _____ ORAL _____
9 If ORAL to 8, has the Defence liaised with the Prosecutor to agree hearing dates for next 30 days? YES _____ NO _____	10 If YES to 9, have agreed hearing dates been specified in accompanying cover letter to Registrar? YES _____ NO _____

MOTION TO QUASH INDICTMENT	
NOTICE OF SECTION 504 CRIMINAL CODE APPLICATION	
11 Does the Defence intend to make a section 504(1) application to quash the indictment? YES NO	12 If YES to 11, does the Defence intend to make a written or oral application in Court? WRITTEN ORAL
13 If ORAL to 12, has the Defence liaised with the Prosecutor to agree hearing dates for next 30 days? YES NO	14 If YES to 13, have agreed hearing dates been specified in accompanying cover letter to Registrar? YES NO
ACCUSED UNFIT TO PLEAD	
NOTICE OF SECTION 514 OF THE CRIMINAL CODE	
15 Does the Defence have concerns whether the Accused is capable of understanding the proceedings at the trial, so as to be able to make a proper defence? YES NO	16 If YES to 15, does the Defence intend to proceed under section 514 of the Criminal Code? YES N/A NO
17 If YES to 16, has the Defence liaised with the Prosecutor for agreed proposed hearing dates during the next 90 day period? YES NO	18 If YES to 17, have agreed hearing dates been specified in accompanying cover letter to Registrar? YES NO
NOTICE OF PLEAS TO BE ENTERED	
19 Does the Defence intend to enter guilty plea(s) to each charge on the Indictment? YES NO	20 If NO to 19, does the Defence intend to enter guilty plea(s) to any one or some of the charges on the Indictment? YES N/A NO
21 If YES to 20, has the Defence liaised with the Prosecution to determine whether those pleas are acceptable to the Prosecutor? YES N/A NO	22 Does the Defence expect to proceed to trial or directly to sentence if the charges are not otherwise dismissed? TRIAL SENTENCE
THIS FORM MUST BE FILED AND SERVED NO LATER THAN WITHIN 14 DAYS AFTER THE DATE ON WHICH THE DEFENCE WAS SERVED WITH FORM 1.	
DATE ON WHICH THE DEFENCE WAS SERVED WITH PROSECUTION'S FORM 1 NOTICE: _____ DAY _____ OF _____ 20_____	
SIGNATURES	
SIGNATURE OF ACCUSED/DEFENCE COUNSEL:	ACCUSED/DEFENCE COUNSEL NAME PRINTED:

REGISTRY DATE FILING STAMP SHOULD BE PLACED HERE:



SUPREME COURT OF BERMUDA
PRE-TRIAL AND CASE MANAGEMENT HEARINGS
CRIMINAL PROCEDURE RULES 2013
CRIMINAL JURISDICTION AND PROCEDURE ACT 2015
DISCLOSURE AND CRIMINAL REFORM ACT 2015



PRACTICE DIRECTION FORM 3 *(issued by the Registrar 27 January 2017)*

DEFENCE STATEMENT

GUIDANCE NOTES UNDER PRACTICE DIRECTION No. 3 of 2017
MUST BE READ THOROUGHLY PRIOR TO COMPLETION OF THIS FORM

THE QUEEN v

Indictment No. ____ of 20____

DATE SENT TO THE SUPREME COURT
FROM THE MAGISTRATES' COURT:

DATE OF FIRST APPEARANCE
IN THE SUPREME COURT:

____ DAY ____ OF ____ 20____

____ DAY ____ OF ____ 20____

DATE ARRAIGNED (if plea entered):

____ DAY ____ OF ____ 20____

PROSECUTION COUNSEL:

DEFENCE COUNSEL:

DEFENCE REPLY TO FORM 1 DISCLOSURE NOTICE
(PROSECUTION S.3(3) NOTICE DISCLOSURE AND CRIMINAL REFORM ACT 2015)

POLICE AND CIVILIAN WITNESS STATEMENTS
USED MATERIAL

1 Is the Defence in possession of a copy of the Indictment ?	1A Was the Defence served with a summary of the Prosecution case?
YES _____ NO _____	YES _____ NO _____
2 Was the Defence served with copies of police witness statements ?	2A Was the Defence served with written copies of civilian witness statements ?
YES _____ NO _____	YES _____ NO _____
3 Was the Defence served with audio or video recordings of civilian witness statements ?	4 Does the Defence assert that the Prosecution has not served any particular police/civilian witness statement(s)/recording(s) in existence?
YES _____ NO _____	YES _____ NO _____
5 If YES to 4, did the Defence make a written request to the Prosecution for service?	6 If YES to 5, on what date was the first written request made?
YES _____ N/A _____ NO _____	DATE: _____ N/A _____
7 If YES to 4 and 5, did the Prosecution state a likely timeframe for service ?	Does the Defence need to address the Court on any issues arising under ...?
YES _____ N/A _____ NO _____	YES _____ NO _____

SERVICE OF PROSECUTION EXPERT EVIDENCE	
USED MATERIAL	
<p>9 If YES to 1A, does the written summary refer to expert evidence or call for expert evidence?</p> <p>YES N/A NO</p>	<p>10 Has the Prosecutor confirmed that expert evidence will be called?</p> <p>YES NO</p>
<p>11 Did the Prosecution serve any expert reports?</p> <p>YES NO</p>	<p>12 Does the Defence assert that the Prosecution did not serve any expert reports in existence?</p> <p>YES NO</p>
<p>13 If YES to 12, state any known info re the expert report(s) which the Defence asserts to be unserved:</p> <p style="text-align: right;">N/A</p>	<p>14 If YES to 12, has the Defence made a written request to the Prosecutor for service of the unserved expert report(s)?</p> <p>YES N/A NO</p>
<p>15 If YES to 14, on what date was the first written request made?</p>	<p>16 If YES to 14, did the Prosecution reply stating a likely timeframe for service of the unserved report(s)?</p> <p>YES N/A NO</p>
<p>17 If YES to 16, what timeframe for service was stated?</p> <p style="text-align: right;">N/A</p>	<p>Does the Defence intend to address the Court on any issues arising under s. 7?</p> <p>YES NO</p>
SERVICE OF CROWN EXHIBITS / AID MEMOIRES	
USED MATERIAL	
<p>19 Was the Defence served with copies of any maps, charts or other like visual aids for trial use?</p> <p>YES NO</p>	<p>20 Did the Prosecution make allowance for the Defence to view the Crown exhibits prior to trial?</p> <p>YES NO</p>
<p>21 If YES to 20 did the Defence agree to view the Crown exhibits at the time and place proposed by the Prosecution?</p> <p>YES NO</p>	<p>22 Are there currently any unseen exhibits which the Defence intends to view prior to trial?</p> <p>YES NO</p>
<p>23 Did the Prosecution provide the Defence with copies of any video or audio exhibit(s)?</p> <p>YES NO</p>	<p>24 Does the Defence assert that the Prosecution did not serve copies of any particular video or audio exhibits?</p> <p>YES NO</p>
<p>25 Was the Defence served with copies of any photo albums containing a 'legend' of photos therein?</p> <p>YES NO</p>	<p>26 Does the Defence assert that the Prosecution did not serve copies of any particular photographs?</p> <p>YES NO</p>
<p>27 If YES to 24 and/or 26, did the Defence make a written request to the Prosecution for service?</p> <p>YES N/A NO</p>	<p>28 If YES to 27, what is the date of the first written request?</p> <p style="text-align: right;">N/A</p>
<p>29 If YES to 27, did the Prosecution reply stating a likely timeframe for service?</p> <p>YES N/A NO</p>	<p>Does the Defence intend to address the Court on any issues arising under s. 7?</p> <p>YES NO</p>

SERVICE OF STATEMENTS BY THE ACCUSED USED MATERIAL			
31 Did the Prosecutor serve the Defence with copies of all recordings of Accused statements?	YES N/A NO	32 Did the Prosecutor serve the Defence with copies of transcripts for all recorded Accused statements?	YES N/A NO
33 Does the Defence assert that the Prosecution did not serve copies of any Accused statements?	YES NO	34 If YES to 33, did the Defence make a written request to the Prosecution for service?	YES N/A NO
35 If YES to 34, what is the date of the first written request?	N/A	36 If YES to 34, did the Prosecution reply stating a likely timeframe for service?	YES N/A NO
37 If YES to 36, what timeframe was stated?	N/A	Does the Defence need to address the Court on any issues arising under s. 2?	
DEFENCE REPLY TO FORM 1 DISCLOSURE NOTICE (PROSECUTION S.4(2) NOTICE DISCLOSURE AND CRIMINAL REFORM ACT 2015)			
POLICE EVIDENCE UNUSED MATERIAL			
39 Was the Defence served copies of all exculpatory and/or 'no-comment' type Accused statements?	YES N/A NO	40 Was the Defence served copies of police notes?	YES NO
41 Was the Defence served copies of search reports?	YES NO	42 Was the Defence served copies of custody reports?	YES NO
43 Was the Defence served copies of warrants?	YES NO	44 Was the Defence served copies of previous police disciplinary records?	YES NO
45 If no to 39, 40, 41, 42, 43, and/or 44 did the Defence make a written request for service?	YES N/A NO	Does the Defence need to address the Court on any issues arising under s. 2?	
EXPERT EVIDENCE UNUSED MATERIAL			
46 Was the Defence served copies of any expert notes or unused reports?	YES N/A NO	47 If NO to 46, did the Defence make a written request to the Prosecution for service?	YES N/A NO
48 If YES to 47, did the Prosecution reply stating a likely timeframe for service?	YES N/A NO	Does the Defence need to address the Court on any issues arising under s. 2?	
CIVILIAN WITNESS EVIDENCE UNUSED MATERIAL			
50 Was the Defence served copies of antecedent records?	YES NO	Does the Defence need to address the Court on any issues arising under s. 2?	

THE DEFENCE CASE

52

State the general nature of the Accused person's defence:

53

State any statutory defences on which the Accused person intends to rely:

54

State any common law defences on which the Accused person intends to rely:

55

State the matters of fact on which the Accused takes issue with the Prosecution:

56

Will the Accused be relying on any defences which assert a lack of mental competency or a defective state of mind? If so, provide details:

N/A

Alibi Defence

57

If the Defence intends to call any alibi evidence, please state the name, address and date of birth of the intended alibi witness(es):

N/A

58

State all material information identifying or finding the intended alibi witness where either the name, address or date of birth of that person is unknown:

N/A

Defence Expert Evidence

59

Does the Defence intend to call expert evidence?

YES

NO

59A

If so, how many expert witnesses will be called?

60

If YES to 59, describe the nature of the Defence expert evidence:

N/A

61

If YES to 59, state the name(s), business title(s) and address(es) of the Defence expert witness(es):

N/A

62

If YES to 59, has the Defence obtained copies of any expert reports?

YES

NO

63

If YES to 62, what is/are the date(s) of the report(s):

N/A

64

If YES to 62, has the Defence provided the Prosecution with a copy of the expert report(s)?

YES

NO

Does the Defence need to address the Court on any issues arising under ...

YES

NO

Rules of Evidence and Rights of the Accused	
<p>66 Has the Accused been made to understand his/her right to decide whether to give evidence on the witness stand and whether to call witnesses at trial?</p> <p style="text-align: center;">YES NO</p>	<p>67 Has the Accused been made aware of the Prosecutor's and any Co-Accused's right to cross-examine the Accused and any of the Accused's witnesses who give evidence at trial?</p> <p style="text-align: center;">YES NO</p>
<p>68 Has the Accused been made to understand the various ways a character shield may be lost at trial and the possible consequences of the loss of shield?</p> <p style="text-align: center;">YES NO</p>	<p>69 Has all the evidence disclosed been fully explained to the Accused or has the Accused been given access to all evidence disclosed by the Prosecutor?</p> <p style="text-align: center;">YES NO</p>
<p>70 Has Defence Counsel obtained full instructions from the Accused in respect of the evidence disclosed?</p> <p style="text-align: center;">YES NO</p>	<p>71 Has the Accused been made to understand his/her rights to challenge in the jury selection process?</p> <p style="text-align: center;">YES NO</p>
<p>THIS FORM MUST BE FILED AND SERVED NO LATER THAN WITHIN 28 DAYS OF THE DATE ON WHICH THE PROSECUTION SERVED FORM 1.</p>	
<p>DATE PROSECUTION SERVED FORM 1: _____ DAY _____ OF _____ 20_____</p>	
<p>SIGNATURE OF DEFENCE COUNSEL:</p>	<p>SIGNATURE OF ACCUSED:</p>
<p>PRINT NAME:</p>	<p>PRINT NAME:</p>

REGISTRY DATE FILING STAMP SHOULD BE PLACED HERE:

**SUPREME COURT OF BERMUDA
PRE-TRIAL AND CASE MANAGEMENT HEARINGS**



CRIMINAL JURISDICTION AND PROCEDURE ACT 2015
DISCLOSURE AND CRIMINAL REFORM ACT 2015
CRIMINAL PROCEDURE RULES 2013
POLICE AND CRIMINAL EVIDENCE ACT 2006
CRIMINAL CODE ACT 1907
THE EVIDENCE ACT 1905

PRACTICE DIRECTION FORM 5 *(issued by the Registrar 27 January 2017)*

PROSECUTION (TRIAL TIMETABLE) STATEMENT

SEE GUIDANCE NOTES UNDER PRACTICE DIRECTION No. 3 of 2017
PRIOR TO COMPLETION OF THIS FORM

THE QUEEN v

Indictment No. _____ of 20 ____

TRIAL TIMETABLE

NOTICE OF PRE-TRIAL APPLICATIONS BY THE CROWN

<p>1 Has the Prosecutor reviewed the Guidance Notes applicable to this Form?</p> <p>YES NO</p>	<p>1A Does the Prosecutor intend to make any pre-trial applications to the Court?</p> <p>YES NO</p>
--	---

2
If the answer to **1A** is YES, state nature of the pre-trial application(s)?

2A
If the answer to **1A** is YES, state the relief/ order(s) sought of the Court:

<p>3 If the answer to 1A is YES, did the Prosecutor make the nature of the pre-trial application(s) and the statutory provisions and case law which will be relied on in support known to the Defence?</p> <p>YES N/A NO</p>	<p>4 If the answer to 3 is NO, does the Prosecutor understand that this is required to be done on or before the day this Form is due to be filed as a step towards filing a joint hearing bundle?</p> <p>YES N/A NO</p>
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INDICTMENT CONSIDERATIONS	
5 Has the Prosecutor considered whether any amendments to the Indictment are required? YES NO	6 Has the Prosecutor considered whether or not any particulars of Indictment should be prepared? YES NO
7 Has the Prosecutor considered the inclusion of alternative/lesser included offences in the indictment? YES NO	8 Does the Prosecutor need to address the Court on any issues arising under 5-8? YES NO
9 If the answer to 8 is YES, did the Prosecutor make the nature of the pre-trial application(s) and the statutory provisions and case law which will be relied on in support known to the Defence? YES N/A NO	10 If the answer to 9 is NO, does the Prosecutor understand that this is required to be done on or before the day this Form is due to be filed as a step towards filing a joint hearing bundle? YES N/A NO
NOTICES OF ADDITIONAL EVIDENCE	
11 Has the Prosecutor fully reviewed the Defence FORM 3 and FORM 4 served by the Defence? YES NO	12 Does the Prosecutor seek to file any Notices of Additional Evidence prior to start of the trial? YES NO
13 If the answer to 12 is YES, does the Prosecutor understand that leave of the Court under section 30 C/JPA is required before any Notices of Additional evidence can be filed? YES N/A NO	14 Does the Prosecutor need to make an application for leave to file additional evidence? YES NO
15 If the answer to 14 is YES, did the Prosecutor serve copies of the proposed additional evidence on the Defence? YES N/A NO	16 If the answer to 15 is NO, does the Prosecutor understand that this evidence must be served forthwith whether or not the Court allows its admission? YES N/A NO
CONTINUING DUTY OF PROSECUTOR TO DISCLOSE UNUSED MATERIAL	
17 Are there any relevant unused materials in the possession of the DPP's Office to be disclosed to the Defence? YES NO	18 Are there any relevant unused materials not yet in the possession of the DPP's Office to be disclosed to the Defence? YES NO
19 If the answer to 18 is YES, has the Prosecutor made contact with the Defence in the last 2 days to itemize the outstanding items and to advise the Defence when service should be expected? YES N/A NO	20 Does the Prosecutor need to address the Court on any issues arising under 17-20? YES NO
NOTICE OF ORDER OF WITNESSES AND SCHEDULE OF EXHIBITS	
21 Has the Prosecutor filed and served with this Form a list of the Crown witnesses in the general order in which they are likely to be called at trial? YES NO	22 Has the Prosecutor filed and served with this Form a schedule of the Crown exhibits to be tendered at trial? YES NO

NOTICE OF DURATION OF VIDEO / AUDIO EXHIBITS	
23 Will the prosecution be tendering video/audio exhibits? YES <input type="checkbox"/> NO <input type="checkbox"/>	24 If the answer to 23 is YES, what is the duration of the footage? HOURS: <input type="text"/> MINUTES: <input type="text"/>
NOTICE OF ESTIMATED LENGTH OF CROWN'S CASE	
25 How many Crown witnesses will be called at trial to give vive voce evidence?	26 Is the evidence in chief for any of the Crown witnesses expected to exceed 30 minutes? YES <input type="checkbox"/> NO <input type="checkbox"/>
27 State the names and the time estimates for the evidence-in-chief of each prosecution witness who is expected to be on the witness stand in excess of 30 minutes during evidence in chief:	
NOTICE OF REQUEST FOR SITE VISIT	
28 Does the Prosecutor intend to invite the Court to attend any site visits? YES <input type="checkbox"/> NO <input type="checkbox"/>	29 If YES to 28, state the location:
30 If the answer to 28 is YES, state any particular time or stage at which the site visit should be scheduled:	31 Does the Prosecutor need to address the Court on any issues arising under 28-30? YES <input type="checkbox"/> NO <input type="checkbox"/>
CROWN WITNESS READ-INS	
32 Has the Crown identified any of its witnesses whose evidence may be read in at trial under section 29 of the Evidence Act 1905 or under PACIE 2006? YES <input type="checkbox"/> NO <input type="checkbox"/>	33 If YES to 32, has the Prosecutor proposed witness read-ins to the Defence for agreement? YES <input type="checkbox"/> N/A <input type="checkbox"/> NO <input type="checkbox"/>
34 If YES to 33, did the Defence provide response(s) to each of the Prosecutor's proposals for read-ins? YES <input type="checkbox"/> N/A <input type="checkbox"/> NO <input type="checkbox"/>	35 Does the Prosecutor need to make any applications to the Court on any issues arising under 32-34? YES <input type="checkbox"/> NO <input type="checkbox"/>
36 If the answer to 35 is YES, did the Prosecutor make the basis for the application(s) and the statutory provisions and case law which will be relied on in support known to the Defence? YES <input type="checkbox"/> N/A <input type="checkbox"/> NO <input type="checkbox"/>	37 If the answer to 36 is NO, does the Prosecutor understand that this is required to be done on or before the day this Form is due to be filed as a step towards filing a joint hearing bundle? YES <input type="checkbox"/> N/A <input type="checkbox"/> NO <input type="checkbox"/>
NOTICE OF SECURITY CONCERNS	
38 Does the Prosecutor perceive any particular security concerns which are likely to arise at trial? YES <input type="checkbox"/> NO <input type="checkbox"/>	39 Does the Prosecutor need to address the Court in respect of security concerns? YES <input type="checkbox"/> NO <input type="checkbox"/>

THIS FORM MUST BE FILED AND SERVED NO LATER THAN 14 DAYS AFTER THE DATE ON WHICH THE PROSECUTION WAS SERVED WITH FORMS 3 AND 4.

DATE PROSECUTOR WAS SERVED WITH FORM 3 AND FORM 4:

_____ DAY _____ OF _____ 20_____

PROSECUTOR'S NAME AND SIGNATURE

PRINTED NAME OF PROSECUTOR:

SIGNATURE OF PROSECUTOR:

This Form should be completed after careful review of the Guidance Notes.

REGISTRY DATE FILING STAMP SHOULD BE PLACED HERE:

