

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 3 January 2017)

PROSECUTION DISCLOSURE NOTICE

GUIDANCE NOTES UNDER PRACTICE DIRECTION No. 1 of 2017
MUST BE READ AND UNDERSTOOD PRIOR TO COMPLETION OF THIS FORM

THE QUEEN v

Indictment No. _____ of 20____

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

_____ DAY _____ OF _____ 20_____

DATE OF FIRST APPEARANCE
IN THE SUPREME COURT:

_____ DAY _____ OF _____ 20_____

DATE ARRAIGNED (if plea(s) entered):

_____ DAY _____ OF _____ 20_____

PROSECUTION COUNSEL:

DEFENCE COUNSEL:

SECTION 3 CRIMINAL JURISDICTION PROCEDURE ACT 2015

USED MATERIAL

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

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.

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SECTION 4 CRIMINAL JURISDICTION PROCEDURE 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 Defence been made aware of any existing 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>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>24 Does the Prosecutor intend to file a Public Interest application under section 8 of DCRA?</p> <p>YES N/A</p>
NOTICE OF APPLICATION FOR EXTENSION OF TIME	
<p>25 Does the Prosecution intend to make an application for an extension of a time for service of documents under section 30 of CJPA?</p> <p>YES NO</p>	<p>26 If YES to 25, is the material subject to the application in the custody of the DPP's office?</p> <p>YES N/A NO</p>
<p>27 If YES to 25, is the material subject to the application in the custody of the Bermuda Police Service?</p> <p>YES N/A NO</p>	<p>28 If YES to 25, is the material subject to the application in an overseas location?</p> <p>YES N/A NO</p>

29

If YES to 25, reasons/grounds should be stated below and the particulars of further evidence to be served should be identified.

DRAFT FOR CONSULTATION

N/A

NOTICE OF JOINDER OF CHARGES APPLICATION

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?)	31 If YES to 30 , has the Prosecutor made the Defence aware of the intended joinder application?
YES NO	YES N/A NO

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

NOT FOR CONSULTATION

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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 FILING STAMP SHOULD BE PLACED HERE: