

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 # 1 of 2017

THE QUEEN v

Indictment No. ___ of 20__

PROSECUTION COUNSEL:

DEFENCE COUNSEL:

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:

_____ DAY _____ OF _____ 20_____

INITIAL PROSECUTION DISCLOSURE CHECKLIST

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

APPLICATION TO DISMISS CHARGE(S) ON INDICTMENT

NOTICE OF SECTION 31 CRIMINAL JUSTICE AND PROCEDURE ACT 2015 APPLICATION

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

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 sentence if the charges are not otherwise dismissed? TRIAL SENTENCE

THIS FORM MUST BE FILED AND SERVED NO LATER THAN WITHIN 7 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:

DRAFT FOR CONSULTATION