

**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 3 January 2017)*
PROSECUTION (TRIAL TIMETABLE) NOTICE
**SEE GUIDANCE NOTES UNDER PRACTICE DIRECTION No. 1 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>
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2
If the answer to **1A** is YES, state nature of the pre-trial application(s)?

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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	
<p>5 Has the Prosecutor considered whether any amendments to the Indictment are required?</p> <p>YES NO</p>	<p>6 Has the Prosecutor considered whether or not any particulars of Indictment should be prepared?</p> <p>YES NO</p>
<p>7 Has the Prosecutor considered the inclusion of alternative/lesser included offences in the indictment?</p> <p>YES NO</p>	<p>8 Does the Prosecutor need to address the Court on any issues arising under 5-8?</p> <p>YES NO</p>
<p>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?</p> <p>YES N/A NO</p>	<p>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?</p> <p>YES N/A NO</p>
NOTICES OF ADDITIONAL EVIDENCE	
<p>11 Has the Prosecutor fully reviewed the Defence FORM 3 and FORM 4 served by the Defence?</p> <p>YES NO</p>	<p>12 Does the Prosecutor seek to file any Notices of Additional Evidence prior to start of the trial?</p> <p>YES NO</p>
<p>13 If the answer to 12 is YES, does the Prosecutor understand that leave of the Court under section 30 CJPA is required before any Notices of Additional evidence can be filed?</p> <p>YES N/A NO</p>	<p>14 Does the Prosecutor need to make an application for leave to file additional evidence?</p> <p>YES NO</p>
<p>15 If the answer to 14 is YES, did the Prosecutor serve copies of the proposed additional evidence on the Defence?</p> <p>YES N/A NO</p>	<p>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?</p> <p>YES N/A NO</p>
CONTINUING DUTY OF PROSECUTOR TO DISCLOSE UNUSED MATERIAL	
<p>17 Are there any relevant unused materials in the possession of the DPP's Office to be disclosed to the Defence?</p> <p>YES NO</p>	<p>18 Are there any relevant unused materials not yet in the possession of the DPP's Office to be disclosed to the Defence?</p> <p>YES NO</p>
<p>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?</p> <p>YES N/A NO</p>	<p>20 Does the Prosecutor need to address the Court on any issues arising under 17-20?</p> <p>YES NO</p>
NOTICE OF ORDER OF WITNESSES AND SCHEDULE OF EXHIBITS	
<p>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?</p> <p>YES NO</p>	<p>22 Has the Prosecutor filed and served with this Form a schedule of the Crown exhibits to be tendered at trial?</p> <p>YES NO</p>

NOTICE OF DURATION OF VIDEO / AUDIO EXHIBITS	
<p>23 Will the prosecution be tendering video/audio exhibits?</p> <p>YES NO</p>	<p>24 If the answer to 23 is YES, what is the duration of the footage?</p> <p>HOURS: MINUTES:</p>
NOTICE OF ESTIMATED LENGTH OF CROWN'S CASE	
<p>25 How many Crown witnesses will be called at trial to give vive voce evidence?</p>	<p>26 Is the evidence in chief for any of the Crown witnesses expected to exceed 15 minutes?</p> <p>YES NO</p>
<p>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 15 minutes during evidence in chief:</p>	
NOTICE OF REQUEST FOR SITE VISIT	
<p>28 Does the Prosecutor intend to invite the Court to attend any site visits?</p> <p>YES NO</p>	<p>29 If YES to 28, state the location:</p>
<p>30 If the answer to 28 is YES, state any particular time or stage at which the site visit should be scheduled:</p>	<p>31 Does the Prosecutor need to address the Court on any issues arising under 28-30?</p> <p>YES NO</p>
CROWN WITNESS READ-INS	
<p>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 PACE 2006?</p> <p>YES NO</p>	<p>33 If YES to 32, has the Prosecutor proposed witness read-ins to the Defence for agreement?</p> <p>YES N/A NO</p>
<p>34 If YES to 33, did the Defence provide response(s) to each of the Prosecutor's proposals for read-ins?</p> <p>YES N/A NO</p>	<p>35 Does the Prosecutor need to make any applications to the Court on any issues arising under 32-34?</p> <p>YES NO</p>
<p>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?</p> <p>YES N/A NO</p>	<p>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?</p> <p>YES N/A NO</p>

NOTICE OF SECURITY CONCERNS

38

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

YES

NO

39

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

YES

NO

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.

DRAFT FOR CONSULTATION

REGISTRY DATE FILING STAMP SHOULD BE PLACED HERE:

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