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:
Satur _____DAY _____ OF May _____ 20_____	Satur _____DAY _____ OF December _____ 20_____

DATE ARRAIGNED (if plea(s) entered):

Satur _____ DAY _____ OF December _____ 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.

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SECTION 4 DISCLOSURE AND CRIMINAL REFORM ACT 2015

RELEVANT UNUSED MATERIAL

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?

YES☐ ☐NO

10
Does the Prosecutor assert there is **no unused material in existence**?

YES☐ ☐NO

11
Was the Defence served with all written, video and audio recorded **witness statements** obtained by the Crown?

YES☐ ☐NO

12
Was the Defence served with copies of all **Accused statements** (including exculpatory and no comment)?

YES☐ N/A☐ ☐NO

13
Was the Defence served with all unused **expert reports and related notes**?

YES☐ N/A☐ ☐NO

14
Was the Defence served with all **police notes**?

YES☐ N/A☐ ☐NO

15
Was the Defence served with all **custody records** in in this case or in connection to this case?

YES☐ N/A☐ ☐NO

16
Was the Defence served with all **search reports** in this case or in connection to this case?

YES☐ N/A☐ ☐NO

17
Was the Defence served with all **warrants** obtained in this case or in connection to this case?

YES☐ N/A☐ ☐NO

18
Was the Defence served with all **underlying warrant documents** in this case or in connection to this case?

YES☐ N/A☐ ☐NO

19
Was the Defence served with copies of any and all existing **police disciplinary records** for police officers involved or connected to the case?

YES☐ N/A☐ ☐NO

20
Was the Defence served with copies of any and all existing **antecedent records** for **civilian witnesses** involved or connected to the case?

YES☐ N/A☐ ☐NO

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?

YES☐ N/A☐ ☐NO

21A
If YES to **21**, has the Prosecutor made the Defence aware of any such known history of **mental illnesses or psychological disorders?**

YES☐ N/A☐ ☐NO

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?

☐YES ☐N/A ☐NO

NOTICE OF PUBLIC INTEREST APPLICATION

23
Has the Prosecutor filed a Public Interest application under section 8 of DCRA?

YES☐ ☐N/A

23A
If YES to **23**, has the Prosecutor given notice of the application to the Defence?

YES☐ ☐N/A

24
Does the Prosecutor intend to file a Public Interest application under section 8 of DCRA?

YES☐ ☐N/A

24A
If YES to **24**, what is the nature of the undisclosed evidence?

NOTICE OF APPLICATION FOR EXTENSION OF TIME

25
Does the Prosecution intend to make an application for an extension of a time for service of documents under section 30 of CJPA?

YES ☐ ☐ NO

26
If YES to **25**, is the material, which is the subject of the application, in the custody of the DPP's office?

YES ☐ N/A ☐ ☐ NO

27
If YES to **25**, is the material, which is the subject of the application, in the custody of the Bermuda Police Service?

YES ☐ N/A ☐ ☐ NO

28
If YES to **25**, is the material, which is the subject of the application, in an overseas location?

YES ☐ N/A ☐ ☐ NO

29
If YES to **25**, reasons/grounds and the particulars of further evidence to be served should be either printed in block capitals below or in a separate document annexed to this Form.

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?)

YES☐ ☐NO

31
If YES to **30**, has the Prosecutor made the Defence aware of the intended joinder application?

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☐

GUIDANCE NOTES UNDER PRACTICE DIRECTION No.3 OF 2017
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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 CALCUATION OF 70 DAYS FROM DATE ACCUSED SENT FROM MAGISTRATES' COURT:

Satur_____ DAY _____ OF December_____ 20_____

PROSECUTOR'S NAME PRINTED:

PROSECUTOR'S SIGNATURE:

REGISTRY DATE FILING STAMP SHOULD BE PLACED HERE: