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	1A
Does the Defence intend to make any pre-trial applications to the Court?	**Has the Defence reviewed the Guidance Notes applicable to this Form?**
YES☐ ☐**NO**	**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	4
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**?	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☐	YES☐ N/A☐ NO☐

NOTICE OF ADMISSIBILITY OBJECTIONS

5 **Does the Defence intend to make any admissibility objections to the Court?** **YES** ☐ ☐ **NO**	**6** If the answer to **5** is YES, which mode of resolution does the Defence seek? VOIR DIRE ☐ and /or ☐ SUBMISSIONS N/A ☐
7 If the answer to **5** is YES and the answer to **6** is VOIR DIRE, did the Defence canvass with the Prosecutor which **witnesses should be made available** to attend hearing? YES ☐ ☐ NO	**8** If the answer to **5** is YES, will the Defence be referring the Court to any **statutory provisions and/or case law** in support of objections? YES ☐ N/A ☐ NO ☐
9 If the answer to **8** is YES, did the **Defence make** the **statutory provisions and case law** which will be relied on in support **known to the Prosecutor**? YES ☐ N/A ☐ NO ☐	**10** If the answer to **9** 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 FORMAL ADMISSIONS

11 Has the Defence considered what, if any, formal admissions should be made under section 30 of the Evidence Act 1905? YES ☐ ☐ NO	**12** If the answer to **11** is YES, will the Defence be making any formal admissions? YES ☐ ☐ NO
13 If the answer to **12** is YES, has the **Defence liaised with the Crown** on the wording of the formal admission(s)? YES ☐ N/A ☐ NO ☐	**14** If the answer to **13** is YES, are the Prosecution and Defence agreed on how to **shorten the evidence** accordingly? YES ☐ N/A ☐ NO ☐

NOTICE OF READ-INS

15 Has the **Defence considered** what evidence can be **read-in** by agreement under section 29 of the Evidence Act 1905? YES ☐ ☐ NO	**16** Did the **Prosecutor propose read-ins** under section 29 of the Evidence Act 1905? YES ☐ ☐ NO
17 If the answer to **16** is YES, **did the Defence respond** to the Prosecutor's proposals for read-ins? YES ☐ N/A ☐ NO ☐	**18** If the answer to **16** is YES, **did the Defence refuse** any of the Prosecutor's proposals for read-ins? YES ☐ N/A ☐ NO ☐
19 If the answer to **18** is YES, list the read-in proposals refused by the Defence and reasons for refusal: N/A ☐	

NOTICE OF REQUEST FOR WITNESS TO BE TENDERED FOR XX

20 Has the Prosecutor indicated whether any of the witnesses, whose statements were served as used material, will not be called at trial? YES☐ ☐NO	**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? YES☐ N/A☐ NO☐
22 **Does the Defence need to address the Court on issues arising under 20-21?** **YES**☐ **N/A**☐ **NO**☐	**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? YES☐ N/A ☐ NO ☐
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**? YES ☐ N/A☐ NO ☐	**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**? YES☐ N/A☐ NO ☐

EDITING RECORDS OF ACCUSED STATEMENTS

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

EDITING VIDEO /AUDIO CROWN EXHIBITS

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? YES ☐ N/A ☐ NO ☐	**31** If the answer to **30** is YES, has the Defence made this known to the Prosecutor? YES☐ N/A☐ NO☐
32 Did the Defence liaise with the Prosecutor to identify any agreeable edits? YES ☐ N/A ☐ NO ☐	**33** **Does the Defence need to address the Court on issues arising under 30-33?** **YES**☐ ☐ **NO**

REMOVAL OF PHOTOGRAPHS FROM CROWN PHOTO ALBUMS

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

NOTICE OF ESTIMATED LENGTH OF DEFENCE CASE

38 Does the Defence intend to call the Accused to give evidence? YES☐ ☐NO	**39** Does the Defence intend to call any witnesses? YES☐ ☐NO
40 If the answer to **39** is YES, how many witnesses does the Defence intend to call?	**41** Select any of the following which categorizes any Defence witness: ☐ 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 NONE OF THE ABOVE☐

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):

	Name of Witnesses	Estimation of Time
1		
2		
3		
4		
5		
6		
7		
8		
9		

DEFENCE EXHIBITS (ELECTRONIC)

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

NOTICE OF REQUEST FOR SITE VISIT

47 Does the Defence intend to invite the Court to attend any site visits? YES☐ ☐NO	**48** If the answer to **47** is YES, state the location: ☐N/A
49 If the answer to **47** is YES, state whether the site visit should be scheduled at any particular stage of trial:	**50** **Does the Defence need to address the Court on issues arising under 47-50?** **YES☐** ☐ **NO**

NOTICE OF SECURITY CONCERNS

51	52
Does the Defence perceive any particular security concerns which are likely to arise at trial?	**Does the Defence need to address the Court in respect of security concerns?**
YES☐ ☐NO	**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:

Satur_____ DAY _____ OF December_____ 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: