

# 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 27 January 2017)  
**PROSECUTION STATEMENT (TRIAL TIMETABLE)**  
SEE GUIDANCE NOTES UNDER PRACTICE DIRECTION No. 3 of 2017  
PRIOR TO COMPLETION OF THIS FORM

**THE KING** v

Indictment No. \_\_\_\_\_ of 20\_\_\_\_

## TRIAL TIMETABLE

### NOTICE OF PRE-TRIAL APPLICATIONS BY THE CROWN

<b>1</b> Has the Prosecutor reviewed the Guidance Notes applicable to this Form?	<b>1A</b> Does the Prosecutor intend to make any pre-trial applications to the Court?
YES	NO
YES	NO

**2**  
If the answer to **1A** is YES, state nature of the pre-trial application(s)?

**2A**  
If the answer to **1A** is YES, state the relief/ order(s) sought of the Court:

<b>3</b> If the answer to <b>1A</b> 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?	<b>4</b> If the answer to <b>3</b> 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?
YES	NO
N/A	N/A
NO	NO

<b>INDICTMENT CONSIDERATIONS</b>	
<p><b>5</b> Has the Prosecutor considered whether any amendments to the Indictment are required?</p> <p>YES <span style="float: right;">NO</span></p>	<p><b>6</b> Has the Prosecutor considered whether or not any particulars of Indictment should be prepared?</p> <p>YES <span style="float: right;">NO</span></p>
<p><b>7</b> Has the Prosecutor considered the inclusion of alternative/lesser included offences in the indictment?</p> <p>YES <span style="float: right;">NO</span></p>	<p><b>8</b> <b>Does the Prosecutor need to address the Court on any issues arising under 5-8?</b></p> <p><b>YES</b> <span style="float: right;"><b>NO</b></span></p>
<p><b>9</b> If the answer to <b>8</b> is YES, did the <b>Prosecutor make the nature of the pre-trial application(s)</b> and the <b>statutory provisions and case law</b> which will be relied on in support <b>known to the Defence</b>?</p> <p>YES <span style="margin-left: 100px;">N/A</span> <span style="float: right;">NO</span></p>	<p><b>10</b> If the answer to <b>9</b> is NO, does the Prosecutor understand that this is <b>required to be done</b> on or before the day this Form is due to be filed as a step towards filing a <b>joint hearing bundle</b>?</p> <p>YES <span style="margin-left: 100px;">N/A</span> <span style="float: right;">NO</span></p>
<b>NOTICES OF ADDITIONAL EVIDENCE</b>	
<p><b>11</b> Has the Prosecutor fully reviewed the Defence FORM 3 and FORM 4 served by the Defence?</p> <p>YES <span style="float: right;">NO</span></p>	<p><b>12</b> Does the Prosecutor seek to file any Notices of Additional Evidence prior to start of the trial?</p> <p>YES <span style="float: right;">NO</span></p>
<p><b>13</b> If the answer to <b>12</b> is YES, does the Prosecutor understand that <b>leave of the Court under section 30 CJPA is required</b> before any Notices of Additional evidence can be filed?</p> <p>YES <span style="margin-left: 100px;">N/A</span> <span style="float: right;">NO</span></p>	<p><b>14</b> <b>Does the Prosecutor need to make an application for leave to file additional evidence?</b></p> <p><b>YES</b> <span style="float: right;"><b>NO</b></span></p>
<p><b>15</b> If the answer to <b>14</b> is YES, did the <b>Prosecutor serve copies of the proposed additional evidence on the Defence</b>?</p> <p>YES <span style="margin-left: 100px;">N/A</span> <span style="float: right;">NO</span></p>	<p><b>16</b> If the answer to <b>15</b> is NO, does the Prosecutor understand that this evidence must be served forthwith whether or not the Court allows its admission?</p> <p>YES <span style="margin-left: 100px;">N/A</span> <span style="float: right;">NO</span></p>
<b>CONTINUING DUTY OF PROSECUTOR TO DISCLOSE UNUSED MATERIAL</b>	
<p><b>17</b> Are there any relevant unused materials in the possession of the DPP's Office to be disclosed to the Defence?</p> <p>YES <span style="float: right;">NO</span></p>	<p><b>18</b> 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 <span style="float: right;">NO</span></p>
<p><b>19</b> If the answer to <b>18</b> 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 <span style="margin-left: 100px;">N/A</span> <span style="float: right;">NO</span></p>	<p><b>20</b> <b>Does the Prosecutor need to address the Court on any issues arising under 17-20?</b></p> <p><b>YES</b> <span style="float: right;"><b>NO</b></span></p>
<b>NOTICE OF ORDER OF WITNESSES AND SCHEDULE OF EXHIBITS</b>	
<p><b>21</b> 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 <span style="float: right;">NO</span></p>	<p><b>22</b> Has the Prosecutor filed and served with this Form a schedule of the Crown exhibits to be tendered at trial?</p> <p>YES <span style="float: right;">NO</span></p>

<b>NOTICE OF DURATION OF VIDEO / AUDIO EXHIBITS</b>	
<p><b>23</b> Will the prosecution be tendering video/audio exhibits?</p> <p>YES <span style="float: right;">NO</span></p>	<p><b>24</b> If the answer to <b>23</b> is YES, what is the duration of the footage?</p> <p>HOURS: <span style="float: right;">MINUTES:</span></p>
<b>NOTICE OF ESTIMATED LENGTH OF CROWN'S CASE</b>	
<p><b>25</b> How many Crown witnesses will be called at trial to give vive voce evidence?</p>	<p><b>26</b> Is the evidence in chief for any of the Crown witnesses expected to exceed 30 minutes?</p> <p>YES <span style="float: right;">NO</span></p>
<p><b>27</b> 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 30 minutes during evidence in chief:</p>	
<b>NOTICE OF REQUEST FOR SITE VISIT</b>	
<p><b>28</b> Does the Prosecutor intend to invite the Court to attend any site visits?</p> <p>YES <span style="float: right;">NO</span></p>	<p><b>29</b> If YES to <b>28</b>, state the location:</p>
<p><b>30</b> If the answer to <b>28</b> is YES, state any particular time or stage at which the site visit should be scheduled:</p>	<p><b>31</b> <b>Does the Prosecutor need to address the Court on any issues arising under 28-30?</b></p> <p>YES <span style="float: right;">NO</span></p>
<b>CROWN WITNESS READ-INS</b>	
<p><b>32</b> 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 <span style="float: right;">NO</span></p>	<p><b>33</b> If YES to <b>32</b>, has the Prosecutor proposed witness read-ins to the Defence for agreement?</p> <p>YES <span style="float: right;">N/A</span> <span style="float: right;">NO</span></p>
<p><b>34</b> If YES to <b>33</b>, did the Defence provide response(s) to each of the Prosecutor's proposals for read-ins?</p> <p>YES <span style="float: right;">N/A</span> <span style="float: right;">NO</span></p>	<p><b>35</b> <b>Does the Prosecutor need to make any applications to the Court on any issues arising under 32-34?</b></p> <p>YES <span style="float: right;">NO</span></p>
<p><b>36</b> If the answer to <b>35</b> is YES, did the <b>Prosecutor make the basis for the application(s) and the statutory provisions and case law</b> which will be relied on in support <b>known to the Defence</b>?</p> <p>YES <span style="float: right;">N/A</span> <span style="float: right;">NO</span></p>	<p><b>37</b> If the answer to <b>36</b> is NO, does the Prosecutor understand that this is <b>required to be done</b> on or before the day this Form is due to be filed as a step towards filing a <b>joint hearing bundle</b>?</p> <p>YES <span style="float: right;">N/A</span> <span style="float: right;">NO</span></p>
<b>NOTICE OF SECURITY CONCERNS</b>	
<p><b>38</b> Does the Prosecutor perceive any particular security concerns which are likely to arise at trial?</p> <p>YES <span style="float: right;">NO</span></p>	<p><b>39</b> <b>Does the Prosecutor need to address the Court in respect of security concerns?</b></p> <p>YES <span style="float: right;">NO</span></p>

**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

**REGISTRY DATE FILING STAMP SHOULD BE PLACED HERE:**