

FORM B

NO ACCESS TO PRE-TRIAL CONFERENCE REPORT – SEALED ENVELOPE
CRIMINAL JURY AND NON-JURY PRE-TRIAL CONFERENCE REPORT

CRM No.: _____

JUDICIAL CENTRE OF _____

Date of first Criminal Pre-Trial Conference

1. ACCUSED and CHARGES

	<u>Name</u>	<u>Date of Birth</u>	<u>On Remand (yes/no)</u>
R v (A)	_____	_____	_____
(B)	_____	_____	_____
(C)	_____	_____	_____

Charges on indictment:

Date of Offence:

(Attach copy of Indictment filed.)

2. COUNSEL

	<u>Name</u>	<u>Designation of Counsel filed? (yes/no)</u>
for Crown	_____	_____
Prov <input type="checkbox"/> Fed <input type="checkbox"/>	_____	_____
for Accused A	_____	_____
for Accused B	_____	_____
for Accused C	_____	_____

3. 30-MONTH DATE:

Date of

Information No.: _____ Sworn: _____ 30-month date: _____

[See Appendix "A" background *Jordan* information]

4. DATES OF:

Information received from Provincial Court: _____

• Election by Accused: _____ Jury _____ Non-jury _____

• Was accused present? Yes _____ No _____

• Deemed to be tried by jury: _____ Was accused present? Yes _____ No _____

• Section 530(3) CCC, language election by accused: English _____ French _____
Was the accused present? Yes _____ No _____ Date: _____

• Preliminary Inquiry:

	Counts
_____ Preliminary Hearing – not available – s. 536(2.1)	_____
_____ Preliminary Hearing – not requested – s. 536(4.3)	_____
_____ Consent Committal – s. 549	_____
_____ Consent Committal after evidence heard	_____
_____ Preliminary Hearing held – committal:	_____
• Filing of Indictment: _____	• Filing of Direct Indictment: _____
• Filing of Transcript: _____	

5. WILL THERE BE A RE-ELECTION?

• Current election: _____ Judge and Jury _____ Judge alone

• Re-election to: _____ Judge and Jury _____ Judge alone

• If required, will Crown consent? _____ Yes _____ No

• Date of Re-election _____

• Pursuant to s. 561 _____ • Pursuant to 536.2 _____

• Election to be confirmed by trial judge? _____ Yes _____ No

6. ANY DISCLOSURE ISSUES?

_____ Complete

_____ Outstanding issues _____

- Alibi? _____

- Other _____

7. WHAT ADMISSIONS ARE DEFENCE COUNSEL PREPARED TO MAKE?

Admissions at trial (pursuant to s. 655 CCC)	
Identity of accused	
Jurisdiction	
Continuity re exhibits	
Medical records/reports	
Financial records	
Documentary evidence	
Expert's report	
Date of birth of complainant	
Photographs	
Other admissions	

8. ANY ISSUES ON THE FACE OF THE INDICTMENT?

Yes No

If so, particulars _____

9. TRIAL

(a) Trial witnesses

	Crown	Accused A	Accused B	Accused C	Accused D
Civilian witnesses					
Police witnesses					
Expert witnesses					

Has Crown filed an anticipated witness list? Yes No

Length of trial _____ court days

(b) Expert Witnesses

(i) Does the Crown intend to call expert witness(es)? Yes No

If so, who and area of expertise?

Has notice been given for any expert witness, including report? Yes No

Does defence contest the admissibility of expert's qualifications? Yes No

area of expertise? Yes No

Mohan / White Burgess voir dire to be held:

In advance of trial? Yes No

OR Blended *voir dire*? Yes No

(ii) Does defence intend to call expert witness(es)? Yes No

If so, who and area of expertise?

Does Crown contest the admissibility of expert's qualifications? Yes No

area of expertise? Yes No

Mohan / White Burgess voir dire to be held?

In advance of trial? Yes No

OR Blended *voir dire*? Yes No

10. PRE-TRIAL APPLICATIONS

A. CROWN APPLICATIONS

(i) Statement(s) of the accused – voluntariness of statement(s)/utterances:

(a) Is Crown seeking to introduce an accused's statement as part of its case?

Yes No

(b) Is Crown seeking to introduce an accused's statement for sole purpose of cross-examination? Yes No

(c) Form of statement:

oral written audiotaped videotaped warned statement

(d) If the statement is audiotaped or videotaped, is there a transcript? Yes No

Length of statement _____

(e) Does the defence dispute admissibility? Yes No

(f) *Voir dire* required? Yes No

(g) Do the Crown and defence consent to the transcript being marked as an exhibit on the *voir dire*? Yes No

(h) *Voir dire* defence issues:

Recipient as a person in authority Yes No

Voluntariness Yes No

Charter, s. 10(a) Yes No

Charter, s. 10(b) Yes No

Other _____

(i) Number of witnesses to be called on *voir dire*: Crown Defence

Time estimated for *voir dire*: _____

(j) Do counsel agree that a pre-trial application in advance of trial is appropriate?

Yes No

If pre-trial application, have trial judge assigned to set date.

- Crown to produce accused if on remand?

OR

Blended *voir dire* is appropriate? Yes No

(k) Spontaneous utterances _____ *Voir dire* required? _____

(ii) Other Crown pre-trial applications:

- *Seaboyer* application: Yes No
- Disreputable conduct evidence: Yes No
- Similar fact: Yes No
- Hearsay evidence: Yes No
- Principled exception to the hearsay rule: Yes No
- After-the-fact conduct evidence: Yes No
- Intercepted private communications: Yes No
- Other legal issues requiring rulings anticipated by the Crown: _____

Do counsel agree that a pre-trial application or blended *voir dire* is appropriate?

Yes No If pre-trial application, have trial judge assigned to set date.

- Who will produce accused if on remand? _____

(iii) Competency of witnesses

(a) Does the Crown/defence intend to call any witness who is under the age of 14 years?
____ Yes ____ No

(b) Does the Crown/defence intend to challenge the capacity of any witness on the basis of mental capacity? ____ Yes ____ No

(c) Name of witness and basis of challenge:

(iv) Manner in which evidence is to be introduced

(a) Does the Crown or defence seek to have any witness's evidence introduced:

(i) by video link, under s. 714.1 or 714.2? ____ Yes ____ No

(ii) by reading in evidence previously taken under s. 715? ____ Yes ____ No

(iii) by videotaped evidence under s. 715.1? ____ Yes ____ No

Any issues with 715.1? _____

Length of recorded interview? _____

Any issues with quality of recording? _____

Is there a transcript available? _____

(iv) by closed circuit link from soft room or behind a screen:

 under s. 486.2(1) ____ Yes ____ No

 under s. 486.2(2) ____ Yes ____ No

(v) by Webex? ____ Yes ____ No

(vi) by Zoom? ____ Yes ____ No

(vii) by other means? ____ Yes ____ No

(b) Does the defence consent to the admissibility of the evidence in the manner proposed? ____ Yes ____ No

(c) Will the Crown or any witness under the age of 18 apply for an order under s. 486.3 appointing counsel to cross-examine the witness, if the accused is not represented by counsel? ____ Yes ____ No

(d) Does the accused oppose the order? ____ Yes ____ No

(e) If opposed, estimate the time for *voir dire* and when: _____

(v) Support person s. 486.1(1) of s. 486.1(2) CCC

(a) Will any Crown witness require a support person under s. 486.1(1)? Yes No

(b) Will any Crown witness require a support person under s. 486.1(2)? Yes No

(c) Does the defence oppose the order? Yes No

(d) If opposed, estimate the time and when *voir dire* to be held? _____

B. DEFENCE APPLICATIONS

by specific accused: A. _____
B. _____
C. _____

(a) General applications:

- entrapment
- severance
- third party suspect
- other _____

(b) *Charter* applications:

To exclude evidence based upon s. 24(2) *Charter* alleging breaches of:

- **s. 7 Right to life, liberty and security of person** _____

Specifics of alleged violation (i.e., attack on constitutionality or legislation, abuse of process): _____

Remedy sought: _____

- **s. 8 Unreasonable search or seizure** _____

Specifics of alleged violation: _____

Garofoli application (application to cross-examine an affiant on ITO):

____ Yes No

Remedy sought: _____

Issue: facial validity sub-facial validity execution

Application to cross-examine affiant of Information to Obtain? Yes No

- **s. 9 Arbitrary detention** _____

Specifics of alleged violation (i.e., roadside detention, overholding): _____

Remedy sought: _____

- **s. 10 Right to counsel** _____

Specifics of alleged violation (i.e., information or implementational component):

Remedy sought: _____

- **s. 11 Right to be tried within a reasonable time** _____

Specifics of alleged violation:

Remedy sought: _____

- **Other** _____

Do all counsel agree the application(s) can be heard in a pre-trial application or blended *voir dire*? Yes No

If split trial:

Trial judge to be assigned to set up case management to manage and set date for hearing pre-trial application.

Charter application to be filed by _____ with pre-trial judge. Attached to this Criminal Pre-trial Conference Report form.

(ii) Third Party Records Applications – s. 278.3 CCC [60 days prior to hearing]

By defence: Yes No

By Crown: Yes No

Nature of the third party records:

Holder of third party records _____

Trial judge to be assigned to set up case management to manage the s. 278 application process, including fixing first return date. _____

(iii) Evidence of the complainant's other sexual activity – s. 276 CCC

Nature of the evidence:

Trial judge to be assigned to set up case management to manage the s. 276 application process including fixing first return date. _____

(iv) S. 278.92 Records in possession of the accused

Nature of the evidence _____

Trial judge to be assigned to set up case management to manage the s. 278.92 applications, including fixing first return date.

(v) Other legal issues requiring rulings anticipated by the defence. E.g. *Corbett* application

(vi) Anticipated defence(s) if disclosed.

11. OTHER TRIAL ISSUES

(a) Interpreters

Does the accused require an interpreter? Yes No

If yes, for which language? _____ Specific dialect? _____

Do any defence witnesses require an interpreter? Yes No

If yes, for which language? _____ Specific dialect? _____

Do any Crown witnesses require an interpreter? Yes No

If yes, for which language? _____ Specific dialect? _____

Should there be more than one interpreter? Yes No

Comments: _____

(b) Exhibits to be filed at trial. Any issue(s) regarding form of exhibits?

- Technology issues? _____
- Compatibility issues? _____
- Any other issues? _____

(c) Courtroom technology equipment required?

Counsel are responsible to ensure all necessary equipment is available and compatible with court technology.

- _____
- _____
- _____

Counsel are to make arrangements for testing all equipment in advance of pre-trial *voir dire* and trial.

12. CASE MANAGEMENT CONFERENCE IN THE PRESENCE OF THE ACCUSED

(a) (i) Trial judge to be assigned to immediately arrange for case management conference with counsel? Yes No

(ii) Trial judge to be assigned but no case management to be held until advised by pre-trial judge? Yes No

(b) If jury trial, all jury selection issues as well as all other jury issues to be discussed by counsel with the assigned trial judge.

- Is defence bringing challenge for cause? _____
- The basis of the challenge for cause? _____

(c) Are there any courtroom security issues? Yes No

If any, specifics of any concerns to be addressed? _____

(d) Other comments: _____

TRIAL DATES SET FOR:

Production of accused if on remand _____

Date Pre-trial Judge concluded management

J.

Pre-trial Judge

Appendix A

Any previous Information(s): Yes _____ No _____

Prior Information No(s).	Date Sworn