

**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?

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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?

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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:

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**(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

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- (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: \_\_\_\_\_

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(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