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 2

DEFENCE PRE-ARRAIGNMENT NOTICE

SEE GUIDANCE NOTES ISSUED BY REGISTRAR UNDER PRACTICE DRIECTION # 3 of 2017

THE QUEEN v

Indictment No. ___of 20__

PROSECUTION COUNSEL:	DEFENCE COUNSEL:
DATE SENT TO THE SUPREME COURT FROM THE MAGISTRATES' COURT: Satur _____DAY _____ OF December _____ 20_____	DATE OF FIRST APPEARANCE IN THE SUPREME COURT: Satur _____DAY _____ OF December _____ 20_____

DATE ARRAIGNED:

Satur _____ DAY _____ OF December _____ 20_____

INITIAL PROSECUTION DISCLOSURE CHECKLIST

1 Is the Defence in possession of the **Information** and **Indictment** containing the charges? YES ☐ ☐ NO	**2** Has the Defence been served with a **written summary** of the Prosecution case? YES ☐ ☐ NO
3 Has the Defence been served with copies of **police witness statements**? YES ☐ ☐ NO	**4** Has the Defence been served with copies of **civilian witness statements**? YES ☐ ☐ NO
5 Has the Defence been served with copies of **statements by the Accused**? YES ☐ NA ☐ ☐ NO	**6** Does the Defence assert that the Prosecution incorrectly replied to any of questions 1-8 in FORM 1? YES ☐ ☐ NO

APPLICATION TO DISMISS CHARGE(S) ON INDICTMENT

NOTICE OF SECTION 31 CRIMINAL JUSTICE AND PROCEDURE ACT 2015 APPLICATION

7 Does the Defence intend to make a section 31 application to dismiss any of the charges? YES ☐ ☐ NO	**8** If YES to **7**, does the Defence intend to make a written or oral application in Court? WRITTEN ☐ ☐ ORAL
9 If ORAL to **8**, has the Defence liaised with the Prosecutor to agree hearing dates for next 30 days? YES ☐ ☐ NO	**10** If YES to **9**, have agreed hearing dates been specified in accompanying cover letter to Registrar? YES ☐ ☐ NO

MOTION TO QUASH INDICTMENT

NOTICE OF SECTION 504 CRIMINAL CODE APPLICATION

11 Does the Defence intend to make a section 504(1) application to quash the indictment? YES☐ ☐NO	**12** If YES to **11**, does the Defence intend to make a written or oral application in Court? WRITTEN☐ ☐ORAL
13 If ORAL to **12**, has the Defence liaised with the Prosecutor to agree hearing dates for next 30 days? YES☐ ☐NO	**14** If YES to **13**, have agreed hearing dates been specified in accompanying cover letter to Registrar? YES☐ ☐NO

ACCUSED UNFIT TO PLEAD

NOTICE OF SECTION 514 OF THE CRIMINAL CODE

15 Does the Defence have concerns whether the Accused is capable of understanding the proceedings at the trial, so as to be able to make a proper defence? YES☐ ☐NO	**16** If YES to **15**, does the Defence intend to proceed under section 514 of the Criminal Code? YES☐ N/A☐ ☐NO
17 If YES to **16**, has the Defence liaised with the Prosecutor for agreed proposed hearing dates during the next 90 day period? YES☐ ☐NO	**18** If YES to **17**, have agreed hearing dates been specified in accompanying cover letter to Registrar? YES☐ ☐NO

NOTICE OF PLEAS TO BE ENTERED

19 Does the Defence intend to enter guilty plea(s) to each charge on the Indictment? YES☐ ☐NO	**20** If NO to **19**, does the Defence intend to enter guilty plea(s) to any one or some of the charges on the Indictment? YES☐ N/A☐ ☐NO
21 If YES to **20**, has the Defence liaised with the Prosecution to determine whether those pleas are acceptable to the Prosecutor? YES☐ N/A☐ ☐NO	**22** **Does the Defence expect to proceed to trial or directly to sentence if the charges are not otherwise dismissed?** **TRIAL**☐ ☐**SENTENCE**

THIS FORM MUST BE FILED AND SERVED NO LATER THAN WITHIN 14 DAYS AFTER THE DATE ON WHICH THE DEFENCE WAS SERVED WITH FORM 1.

DATE ON WHICH THE DEFENCE WAS SERVED WITH PROSECUTION'S FORM 1 NOTICE:

Select one _____ DAY _____ OF Select one _____ 20_____

SIGNATURES

SIGNATURE OF ACCUSED/DEFENCE COUNSEL:	ACCUSED/DEFENCE COUNSEL NAME PRINTED:

REGISTRY DATE FILING STAMP SHOULD BE PLACED HERE: