

<div>SUPREME COURT OF BERMUDA</div> <div>PRE-TRIAL AND CASE MANAGEMENT HEARINGS</div> <div>CRIMINAL PROCEDURE RULES 2013</div> <div>CRIMINAL JURISDICTION AND PROCEDURE ACT 2015</div> <div>DISCLOSURE AND CRIMINAL REFORM ACT 2015</div>		
<div>PRACTICE DIRECTION FORM 3 <small>(issued by the Registrar 27 January 2017)</small></div> <div>DEFENCE STATEMENT</div> <div><small>GUIDANCE NOTES UNDER PRACTICE DIRECTION No. 3 of 2017</small></div> <div><small>MUST BE READ THOROUGHLY PRIOR TO COMPLETION OF THIS FORM</small></div>		
<div>THE QUEEN v</div> <div>Indictment No. ____ of 20____</div>		
<div>DATE SENT TO THE SUPREME COURT FROM THE MAGISTRATES' COURT:</div> <div>Satur ____ DAY ____ OF December 20____</div>		<div>DATE OF FIRST APPEARANCE IN THE SUPREME COURT:</div> <div>Satur ____ DAY ____ OF December 20____</div>
<div>DATE ARRAIGNED (If plea entered):</div> <div>Satur ____ DAY ____ OF December 20____</div>		
PROSECUTION COUNSEL:		DEFENCE COUNSEL:
<div>DEFENCE REPLY TO FORM 1 DISCLOSURE NOTICE</div> <div>(PROSECUTION S.3(3) NOTICE DISCLOSURE AND CRIMINAL REFORM ACT 2015)</div>		
<div>POLICE AND CIVILIAN WITNESS STATEMENTS</div> <div>USED MATERIAL</div>		
<div>1</div> <div>Is the Defence in possession of a copy of the Indictment?</div> <div>YES ☐ NO ☐</div>	<div>1A</div> <div>Was the Defence served with a summary of the Prosecution case?</div> <div>YES ☐ NO ☐</div>	
<div>2</div> <div>Was the Defence served with copies of police witness statements?</div> <div>YES ☐ NO ☐</div>	<div>2A</div> <div>Was the Defence served with written copies of civilian witness statements?</div> <div>YES ☐ NO ☐</div>	
<div>3</div> <div>Was the Defence served with audio or video recordings of civilian witness statements?</div> <div>YES ☐ NO ☐</div>	<div>4</div> <div>Does the Defence assert that the Prosecution has not served any particular police/civilian witness statement(s)/recording(s) in existence?</div> <div>YES ☐ NO ☐</div>	
<div>5</div> <div>If YES to 4, did the Defence make a written request to the Prosecution for service?</div> <div>YES ☐ N/A ☐ NO ☐</div>	<div>6</div> <div>If YES to 5, on what date was the first written request made?</div> <div>DATE: <input type="text"/> ☐ N/A ☐</div>	
<div>7</div> <div>If YES to 4 and 5, did the Prosecution state a likely timeframe for service?</div> <div>YES ☐ N/A ☐ NO ☐</div>	<div>8</div> <div>Does the Defence need to address the Court on any issues arising under 1-7?</div> <div>YES ☐ NO ☐</div>	

SERVICE OF PROSECUTION EXPERT EVIDENCE USED MATERIAL

<p>9</p> <p>If YES to 1A, does the written summary refer to expert evidence or call for expert evidence?</p> <p>YES ☐ N/A ☐ ☐ NO</p>	<p>10</p> <p>Has the Prosecutor confirmed that expert evidence will be called?</p> <p>YES ☐ ☐ NO</p>
<p>11</p> <p>Did the Prosecution serve any expert reports?</p> <p>YES ☐ ☐ NO</p>	<p>12</p> <p>Does the Defence assert that the Prosecution did not serve any expert reports in existence?</p> <p>YES ☐ ☐ NO</p>
<p>13</p> <p>If YES to 12, state any known info re the expert report(s) which the Defence asserts to be unserved:</p> <p style="text-align: right;">☐ N/A</p>	<p>14</p> <p>If YES to 12, has the Defence made a written request to the Prosecutor for service of the unserved expert report(s)?</p> <p>YES ☐ N/A ☐ ☐ NO</p>
<p>15</p> <p>If YES to 14, on what date was the first written request made?</p>	<p>16</p> <p>If YES to 14, did the Prosecution reply stating a likely timeframe for service of the unserved report(s)?</p> <p>YES ☐ N/A ☐ ☐ NO</p>
<p>17</p> <p>If YES to 16, what timeframe for service was stated?</p> <p style="text-align: right;">☐ N/A</p>	<p>18</p> <p>Does the Defence need to address the Court on any issues arising under 9-17?</p> <p>YES ☐ ☐ NO</p>

**SERVICE OF CROWN EXHIBITS / AID MEMOIRES
USED MATERIAL**

<p>19</p> <p>Was the Defence served with copies of any maps, charts or other like visual aids for trial use?</p> <p>YES ☐ ☐ NO</p>	<p>20</p> <p>Did the Prosecution make allowance for the Defence to view the Crown exhibits prior to trial?</p> <p>YES ☐ ☐ NO</p>
<p>21</p> <p>If YES to 20 did the Defence agree to view the Crown exhibits at the time and place proposed by the Prosecution?</p> <p>YES ☐ ☐ NO</p>	<p>22</p> <p>Are there currently any unseen exhibits which the Defence intends to view prior to trial?</p> <p>YES ☐ ☐ NO</p>
<p>23</p> <p>Did the Prosecution provide the Defence with copies of any video or audio exhibit(s)?</p> <p>YES ☐ ☐ NO</p>	<p>24</p> <p>Does the Defence assert that the Prosecution did not serve copies of any particular video or audio exhibits?</p> <p>YES ☐ ☐ NO</p>
<p>25</p> <p>Was the Defence served with copies of any photo albums containing a 'legend' of photos therein?</p> <p>YES ☐ ☐ NO</p>	<p>26</p> <p>Does the Defence assert that the Prosecution did not serve copies of any particular photographs?</p> <p>YES ☐ ☐ NO</p>
<p>27</p> <p>If YES to 24 and/or 26, did the Defence make a written request to the Prosecution for service?</p> <p>YES ☐ N/A ☐ ☐ NO</p>	<p>28</p> <p>If YES to 27, what is the date of the first written request?</p> <p>☐ N/A</p>
<p>29</p> <p>If YES to 27, did the Prosecution reply stating a likely timeframe for service?</p> <p>YES ☐ N/A ☐ ☐ NO</p>	<p>30</p> <p>Does the Defence need to address the Court on any issues arising under 19-29?</p> <p>YES ☐ ☐ NO</p>

SERVICE OF STATEMENTS BY THE ACCUSED USED MATERIAL	
31 Did the Prosecutor serve the Defence with copies of all recordings of Accused statements? YES ☐ N/A ☐ NO ☐	32 Did the Prosecutor serve the Defence with copies of transcripts for all recorded Accused statements? YES ☐ N/A ☐ NO ☐
33 Does the Defence assert that the Prosecution did not serve copies of any Accused statements? YES ☐ NO ☐	34 If YES to 33, did the Defence make a written request to the Prosecution for service? YES ☐ N/A ☐ NO ☐
35 If YES to 34, what is the date of the first written request? ☐ N/A	36 If YES to 34, did the Prosecution reply stating a likely timeframe for service? YES ☐ N/A ☐ NO ☐
37 If YES to 36, what timeframe was stated? ☐ N/A	38 Does the Defence need to address the Court on any issues arising under 31-37? YES ☐ NO ☐
DEFENCE REPLY TO FORM 1 DISCLOSURE NOTICE (PROSECUTION S.4(2) NOTICE DISCLOSURE AND CRIMINAL REFORM ACT 2015)	
POLICE EVIDENCE <u>UNUSED MATERIAL</u>	
39 Was the Defence served copies of all exculpatory and/or 'no-comment' type Accused statements? YES ☐ N/A ☐ NO ☐	40 Was the Defence served copies of police notes? YES ☐ NO ☐
41 Was the Defence served copies of search reports? YES ☐ NO ☐	42 Was the Defence served copies of custody reports? YES ☐ NO ☐
43 Was the Defence served copies of warrants? YES ☐ NO ☐	44 Was the Defence served copies of previous police disciplinary records? YES ☐ NO ☐
45 If no to 39, 40, 41, 42, 43, and/or 44 did the Defence make a written request for service? YES ☐ N/A ☐ NO ☐	45A Does the Defence need to address the Court on any issues arising under 39-45? YES ☐ NO ☐
EXPERT EVIDENCE <u>UNUSED MATERIAL</u>	
46 Was the Defence served copies of any expert notes or unused reports? YES ☐ N/A ☐ NO ☐	47 If NO to 46, did the Defence make a written request to the Prosecution for service? YES ☐ N/A ☐ NO ☐
48 If YES to 47, did the Prosecution reply stating a likely timeframe for service? YES ☐ N/A ☐ NO ☐	49 Does the Defence need to address the Court on any issues arising under 46-48? YES ☐ NO ☐
CIVILIAN WITNESS EVIDENCE <u>UNUSED MATERIAL</u>	
50 Was the Defence served copies of antecedent records? YES ☐ NO ☐	51 Does the Defence need to address the Court on any issues arising under 50? YES ☐ NO ☐

THE DEFENCE CASE	
52	State the general nature of the Accused person's defence:
53	State any statutory defences on which the Accused person intends to rely:
54	State any common law defences on which the Accused person intends to rely:
55	State the matters of fact on which the Accused takes issue with the Prosecution:
56	Will the Accused be relying on any defences which assert a lack of mental competency or a defective state of mind? If so, provide details:
N/A ☐	

Alibi Defence	
<div>57</div> <div>If the Defence intends to call any alibi evidence, please state the name, address and date of birth of the intended alibi witness(es):</div> <div></div> <div>N/A☐</div>	
<div>58</div> <div>State all material information identifying or finding the intended alibi witness where either the name, address or date of birth of that person is unknown:</div> <div></div> <div>N/A☐</div>	
Defence Expert Evidence	
<div>59</div> <div>Does the Defence intend to call expert evidence?</div> <div>YES☐☐ NO</div>	<div>59A</div> <div>If so, how many expert witnesses will be called?</div> <div></div>
<div>60</div> <div>If YES to 59, describe the nature of the Defence expert evidence:</div> <div></div> <div>N/A☐</div>	
<div>61</div> <div>If YES to 59, state the name(s), business title(s) and address(es) of the Defence expert witness(es):</div> <div></div> <div>N/A☐</div>	
<div>62</div> <div>If YES to 59, has the Defence obtained copies of any expert reports?</div> <div>YES☐☐ NO</div>	<div>63</div> <div>If YES to 62, what is/are the date(s) of the report(s):</div> <div>N/A☐</div>
<div>64</div> <div>If YES to 62, has the Defence provided the Prosecution with a copy of the expert report(s)?</div> <div>YES☐☐ NO</div>	<div>65</div> <div>Does the Defence need to address the Court on any issues arising under 59-64?</div> <div>YES☐☐ NO</div>

Rules of Evidence and Rights of the Accused	
<div>66</div> <div>Has the Accused been made to understand his/her right to decide whether to give evidence on the witness stand and whether to call witnesses at trial?</div> <div>YES☐NO☐</div>	<div>67</div> <div>Has the Accused been made aware of the Prosecutor's and any Co-Accused's right to cross-examine the Accused and any of the Accused's witnesses who give evidence at trial?</div> <div>YES☐NO☐</div>
<div>68</div> <div>Has the Accused been made to understand the various ways a character shield may be lost at trial and the possible consequences of the loss of shield?</div> <div>YES☐NO☐</div>	<div>69</div> <div>Has all the evidence disclosed been fully explained to the Accused or has the Accused been given access to all evidence disclosed by the Prosecutor?</div> <div>YES☐NO☐</div>
<div>70</div> <div>Has Defence Counsel obtained full instructions from the Accused in respect of the evidence disclosed?</div> <div>YES☐NO☐</div>	<div>71</div> <div>Has the Accused been made to understand his/her rights to challenge in the jury selection process?</div> <div>YES☐NO☐</div>
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_____	
SIGNATURE OF DEFENCE COUNSEL:	SIGNATURE OF ACCUSED:
PRINT NAME:	PRINT NAME:

REGISTRY DATE FILING STAMP SHOULD BE PLACED HERE: