**P E I**

**PRE-TRIAL CONFERENCE REPORT (Judge & Jury)**

**NOTE:**

1. This form must be completed in full in all cases, and signed by the assigned Crown counsel, or a Crown counsel authorized to bind the Crown, and by counsel of record for each accused person, before the first judicial pre-trial conference, unless otherwise ordered, or unless the accused will definitely be pleading guilty. Responses to the following questions are mandatory:

 Crown: 1-16, 17 b), 18 b), 21, 25.1, 26 a) - c), 26J, 27 b), 28 b), 29, 30, 31, and 33 a) - c).

Defence: 4J, 17-23, 24, 26J, 27 a), 28 a), 29, 30, 30J.1, 30J.2, 32, 33 d) and e).

Question 31 (subject to requirements of *R. v. Cleghorn*, [1995] 3 S.C.R. 175), 25.2 and 26 d) are optional.

2. Crown and defence counsel are encouraged to discuss the issues to be addressed at the pre-trial conference in advance of the conference.

3. Counsel must provide their position on each issue, and not indicate they “will advise”, or “not as yet”, etc.

4. Crown must complete this form and e-mail, fax or deliver it to defence counsel of record and the trial coordinator, not later than 10 days before the date scheduled for the pre-trial conference. Defence counsel must complete email, and email, fax or deliver their report to the Crown Attorney and the trial coordinator not later than 5 days before the date scheduled for the pre-trial conference, regardless of whether the Crown has filed a form. In cases where the Crown has not filed the form, or has filed it late, defence counsel should complete the form to the extent possible.

5. If any party changes the position taken on this form, which will be provided to the trial judge, they must provide written notice to the other party and the trial coordinator of the change in position. The failure to notify the other side and the trial coordinator office of any application not indicated on this form, will be a factor considered by the trial judge in determining whether the new position has prejudiced the other party, and whether any application may proceed.

6. The Crown’s copy of the report must be accompanied by a brief synopsis of the allegations.

**CRIMINAL PRE-TRIAL CONFERENCE REPORT (JUDGE ALONE)**

His Majesty the King v. Click or tap here to enter text. S­­­­­­­­­1\_ - GC - \_\_\_\_\_\_

[ ]  Crown Report, prepared by:

[ ]  Defence Report, prepared by:

(Counsel for: , if multiple accused.)

Have counsel discussed the issues raised in this form after the committal for trial? [ ]  Yes [ ]  No

Charges:

1. **Chronology:**

a) Date(s) of Offence(s):

b) Date of Arrest:

2. **Form of Judicial Interim Release**

1. Is the accused detained in custody on this/these charges? [ ]  Yes [ ]  No
2. Is the accused detained in custody on any other charges? [ ]  Yes [ ]  No

3. **Disclosure:** Complete: [ ]  Yes [ ]  No

4. **Mode of Trial:** Current Election: [ ]  Judge and Jury [ ]  Judge alone

1. Will there be a re-election: [ ]  Yes [ ]  No

4J. **Jury Selection**

 Will there be a *general* application to challenge jurors for cause? [ ]  Yes [ ]  No

 Are there any other issues relating to jury selection and if so what are they?

 *Answer on a separate page.*

5. **Pre-Trial Motions on the Indictment Anticipated?** [ ]  Yes [ ]  No

 (e.g. Amendments, Motions to quash indictment, sever counts, particulars, etc.)

**Crown pre-trial motions/applications**

6. **Statements of the Accused**

a) Is the Crown seeking to obtain rulings as to the admissibility of

 Statements to Persons in authority? [ ]  Yes [ ]  No

b) Form of statement\*: [ ]  Oral [ ]  Written [ ]  Audiotaped [ ]  Videotaped

c) If the statement is audio or video taped, is there a transcript? [ ]  Yes [ ]  No

 d) If no transcript is available, will the Crown provide one in advance of trial? [ ]  Yes [ ]  No

e) Date to be made available:

f) Length of statement(s):

g) *Voir dire* required? [ ]  Yes [ ]  No

h) V*oir dire* issues:

Recipient as a person in authority [ ]  Yes [ ]  No

Voluntariness [ ]  Yes [ ]  No

i) Number of witnesses to be called on *voir dire*: \_\_\_

j) Time estimate for *voir dire*: Evidence Argument

(\* if admission of more than one statement is sought please answer questions 6 (b)-(j) for each on a separate page)

7. **Disreputable Conduct Evidence, including Similar Fact**

1. Is the Crown seeking to Introduce prior disreputable conduct

 evidence, relying on incidents not covered by the indictment? [ ]  Yes [ ]  No

1. Does the Crown seek to have admissibility determined in pre-trial motion? [ ]  Yes [ ]  No
2. Time estimate for voir dire: Evidence Argument

8. **Principled Exception to the Hearsay Rule**

1. Does the Crown seek to introduce any evidence relying

upon the principled exception to the hearsay rule? [ ]  Yes [ ]  No

 b) Time estimate for *voir dire*: Evidence Argument

9. **After the Fact Conduct Evidence**

1. Will the Crown be seeking to tender any evidence of after the

fact conduct by the accused? [ ]  Yes [ ]  No

1. Time estimate for *voir dire*: Evidence Argument

10. **Intercepted Private Communications**

1. Does the Crown seek to introduce wiretap evidence? [ ]  Yes [ ]  No
2. Time estimate for voir dire: Evidence Argument

11. **Other legal issues requiring rulings Crown counsel anticipates will arise:**

 a) Description:

b) Time estimate for voir dire: Evidence Argument

12. **Competency of Witnesses**

1. Does the Crown intend to call any witness who is under the age of 14? [ ]  Yes [ ]  No
2. Name of witness(es):

13. **Manner in which evidence is to be introduced**

1. Does the Crown or defence seek to have any witness’s evidence introduced:

i. By video link, pursuant to s. 714.1? [ ]  Yes [ ]  No

 ii. By reading in evidence previously taken pursuant to s. 715? [ ]  Yes [ ]  No

 iii. By videotaped evidence, pursuant to s. 715.1? [ ]  Yes [ ]  No

1. Estimated time for: Evidence Argument

14. **Support Person**

1. Will any Crown witness require a support person,

pursuant to s. 486.1(1)? [ ]  Yes [ ]  No

1. Will any Crown witness require a support person,

pursuant to s. 486.1(2)? [ ]  Yes [ ]  No

15. **Publication Bans/Deferred Publication Orders**

1. Does the Crown seek an order pursuant to s. 486(3) or (8),

banning the publication of the complainant’s identity? [ ]  Yes [ ]  No

16. **Privilege Issues**

1. Will the Crown be raising issues of privilege? [ ]  Yes [ ]  No

**Defence Pre-trial (motions/applications)**

17. **Challenge to Legislation**

a) Specifics of challenge:

 b) Time estimate: Evidence Argument

 Crown \_\_\_\_\_ Crown \_\_\_\_\_

 Defence \_\_\_\_\_ Defence \_\_\_\_\_

18. **Applications to Stay Proceedings based upon:**

1. Abuse of Process [ ]
2. Contravention of Charter section: s.7 [ ]
3. S. 11(b) [ ]
4. Other (specify): [ ]

 e) Time estimate: Evidence Argument

 Crown \_\_\_\_\_ Crown \_\_\_\_\_

 Defence \_\_\_\_\_ Defence \_\_\_\_\_

19. **Applications to Exclude Evidence based upon s. 24(2) alleging breaches of:**

1. s. 7 [ ]

s. 8 [ ]  warrantless search [ ]  search warrant [ ]  order [ ]  authorization

 Issue: facial validity[ ]  sub-facial validity [ ]  execution [ ]

 other

s.9 [ ]  s. 10(a) [ ]  s. 10(b) [ ]

other

 b) Time estimate: Evidence Argument

 Crown \_\_\_\_\_ Crown \_\_\_\_\_

 Defence \_\_\_\_\_ Defence \_\_\_\_\_

20. **Third Party Records Applications** [ ]  Yes [ ]  No

1. Nature of Records:

 b) Time estimate for *voir dire*: Evidence Argument

 Crown \_\_\_\_\_ Crown \_\_\_\_\_

 Defence \_\_\_\_\_ Defence \_\_\_\_\_

21. **Evidence of the Complainant’s Other Sexual Activity** [ ]  Yes [ ]  No

 a) Nature of Evidence:

b) Manner in which defence seeks to establish evidentiary basis on application:

 c) Time estimate for *voir dire*: Evidence Argument

 Crown \_\_\_\_\_ Crown \_\_\_\_\_

 Defence \_\_\_\_\_ Defence \_\_\_\_\_

22. **Applications Pursuant to s. 278.92**

 a) Nature of Evidence:

 b) Manner in which defence seeks to establish evidentiary basis in application:

 c) Time estimates for *voir dire*. Evidence Argument

 Crown \_\_\_\_\_ Crown \_\_\_\_\_

 Defence \_\_\_\_\_ Defence \_\_\_\_\_

23. **Evidence of Other Suspects**

1. Nature of Evidence:

 b) Time estimate for *voir dire*: Evidence Argument

 Crown \_\_\_\_\_ Crown \_\_\_\_\_

 Defence \_\_\_\_\_ Defence \_\_\_\_\_

24. **Character of Victim**

1. Nature of Evidence:

 b) Time estimate for *voir dire*: Evidence Argument

 Crown \_\_\_\_\_ Crown \_\_\_\_\_

 Defence \_\_\_\_\_ Defence \_\_\_\_\_

25. **Expert Witnesses**

25.1 **Crown Witnesses**

1. Does the Crown intend to call expert witnesses? [ ]  Yes [ ]  No
2. Field(s) of expertise:
3. Issues upon which the evidence will be introduced: [ ]  Yes [ ]  No

25.2 **Defence Witnesses**

1. Does the defence intend to call expert witnesses? [ ]  Yes [ ]  No

1. Field(s) of expertise:
2. Issues upon which the evidence will be introduced?

26. **Positions of the Parties** (please answer on a separate sheet)

1. Crown theory: Upon what evidentiary and legal basis does the Crown seek to establish liability of each accused?

*Answer on a separate page.*

1. Upon which section(s) of the Criminal Code does the Crown rely, to establish the

liability of each accused?

1. Does the Crown submit any offences are included in the count(s) in the indictment?
2. Does the defence submit any offences are included in the count(s) in the indictment?

26 J. **Mid-Trial Instructions**

 Do counsel foresee any mid-trial instructions being given during the trial,

 for example, limiting the use of a particular type of evidence such as the

 criminal record of the accused? [ ]  Yes [ ]  No

 Details:

27. **Fitness to Stand Trial**

1. Will the defence raise the issue of the accused’s fitness to stand trial? [ ]  Yes [ ]  No
2. Will the Crown raise the issue of the accused’s fitness to stand trial? [ ]  Yes [ ]  No

28. **Interpreters**

 a) Does the accused require an interpreter? [ ]  Yes [ ]  No

 If yes, for which language(s)? [ ]  Yes [ ]  No

 b) Do any Crown witnesses require an interpreter? [ ]  Yes [ ]  No

If yes, for which language(s)? [ ]  Yes [ ]  No

29. **Special Courtroom Equipment required**

Details:

30. **Courtroom Security Issues**

Does any party believe that increased courtroom security

 issues are raised in this case? [ ]  Yes [ ]  No

30J.1. **Position of Accused in Court**

 Any comments about the seating position of the accused in the courtroom? [ ]  Yes [ ]  No

 If so, does the Crown consent to the request?

30 J.2. **Absence of Accused from Court**

 Will the accused apply to be absent during the trial? [ ]  Yes [ ]  No

31. **Is it reasonably anticipated that any of the following defences/triable issues will be raised?**

 [ ] Accident [ ] Intoxication

 [ ] Alibis [ ] Drugs

 [ ] Automatism [ ] Alcohol

 [ ] Compulsion [ ] Knowledge

 [ ] Defence of property [ ] Necessity

 [ ] Diminished capacity [ ] Not criminally responsible

 [ ] Duress [ ] Possession

 [ ] Entrapment [ ] Provocation

 [ ] Consent-Honest, but mistaken belief in consent [ ] Self-defence

 [ ] Identity

32. **Non-contentious Issues -** Admitted Not contested Not Admitted

 Jurisdiction [ ]  [ ]  [ ]

 Identity of the accused [ ]  [ ]  [ ]

 Continuity of exhibits [ ]  [ ]  [ ]

 Medical Evidence [ ]  [ ]  [ ]

 Documentary Evidence [ ]  [ ]  [ ]

 Ownership [ ]  [ ]  [ ]

 Value of Property [ ]  [ ]  [ ]

 Accused as Driver [ ]  [ ]  [ ]

 Death/injuries caused by accused [ ]  [ ]  [ ]

 Age of Complainant [ ]  [ ]  [ ]

 Nature of drug [ ]  [ ]  [ ]

 Amount of drug is “for the

 purpose of trafficking” [ ]  [ ]  [ ]

 Value of Drug [ ]  [ ]  [ ]

 Service of notice [ ]  [ ]  [ ]

 Photographs [ ]  [ ]  [ ]

33. **Time Estimates**

 a) Anticipated Number of Crown Witnesses

 b) Crown estimate for *voir dires* Evidence Argument

 c) Crown time estimate for trial

 d) Defence time estimate for *voir dires* Evidence Argument

 e) Defence time estimate for trial

34. **Eagle Feather**

1. Will any participants be requesting to affirm with the Eagle Feather? Yes [ ]  No [ ]
2. If Yes, list names:
	1. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
	2. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Dated \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Signed \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Resolution Conferences**

1. A joint request may be made to the court for setting down a resolution conference. If so, a resolution conference date may be set. Alternatively, the pre-trial conference may proceed as a resolution conference if the judge believes it is appropriate to do so.

2. Resolution conferences in criminal cases provide an opportunity to obtain judicial input and assistance for counsel’s efforts at resolution. Conferences are intended to facilitate the disposition of cases in a timely and fair manner other than by trial. To be effective counsel must be conversant with the issues that will likely arise in a trial, understand the context in which the issues will arise and the possible outcomes of the trial. Therefore, it is mandatory that counsel attending the resolution conference:

 a) be the person scheduled to conduct the trial;

 b) be fully prepared;

 c) have adequate instructions to deal with all issues likely to arise in a conference.

The accused person should be available in the courthouse or otherwise readily accessible to provide instructions.