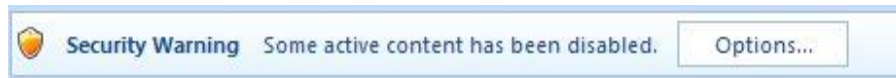


FORM INSTRUCTIONS

This form has automatic features to minimize content that is not applicable to the case. Please follow these instructions in order to complete the form:

INITIAL STEPS

1. When you opened this file, a **Security Warning** may have appeared. If that happened, click on **Options...** near the top of this page and select **Enable this content**.



FIELDS

The following fields are the only editable regions in the form:

1. ☐ is a regular **Checkbox**.
Click on it to mark or clear a . (Try it out.)
2. is a **Text Field**.
Click on it to select the Text Field and try typing some text into it.
These are **always** located at the **beginning** of a blank line.

SAVING THIS FORM

To save this form and retain its automatic features, you can **Save a Copy** by using the **Save As PDF** option under **File** in the top toolbar.

SHORTCUTS

These shortcuts are **strongly** recommended as they simplify the task of filling out the form:

- **Tab** - Move from field to field (**useful for quick navigation**)
- **Ctrl + Z** - Undo the previous action

NOTE: The fields' shading will not appear when the document is printed.

SUPREME COURT OF NOVA SCOTIA
CRIMINAL PRE-TRIAL CONFERENCE REPORT

(Criminal Code, s. 625.1)

NOVA SCOTIA
SUPREME COURT

Court File No. (if known)

Region

PLEASE 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 has advised that he or she will definitely be pleading guilty and the only issue to be addressed at the judicial pre-trial conference is sentence.
2. Crown and defence counsel are encouraged to discuss the issues to be addressed at the pre-trial conference in advance of the conference and to jointly file this form.
3. Counsel must provide their position on each issue, and not indicate they "will advise", or "not as yet", etc.
4. Crown and defence counsel are encouraged to jointly complete this pre-trial conference form, with the Crown completing it first, saving the file before emailing it to defence counsel no later than 10 calendar days before the date scheduled for the pre-trial conference. After defence counsel have completed their entries, the form is to be faxed to the Supreme Court no later than five calendar days before the date scheduled for the pre-trial conference. In cases where the Crown has not completed their portion of the form and sent it to defence counsel, or has filed it late, defence counsel should complete the form to the best of their ability and file it no later than five calendar days before the pre-trial conference.
5. This form will be provided to the trial judge. If any party changes the position taken on this form, they must provide written notice to the other party and the Supreme Court of the change in position as soon as they determine their position has changed, in addition to any notice required by the Rules. Where the change will involve an additional application and/or will require more court time than determined at the pre-trial, counsel making the change shall arrange for a further judicial pre-trial conference forthwith. Failure to notify the other side and/or the Supreme Court 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 such application may proceed.
6. The Crown's copy of the report must be accompanied by a brief synopsis of the allegations, including how the Crown proposes to prove the allegations.
7. Section references in the form refer to the Criminal Code, unless otherwise indicated.

REX

- v. -

(specify name of accused)

- ☐ Crown Report, prepared by: _____
- ☐ SYNOPSIS ATTACHED
- ☐ 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

PRE-TRIAL CONFERENCE REPORT

(Criminal Code, s. 625.1)

Charges:

1. Chronology

- (a) Date(s) of offence(s): _____
- (b) Date of arrest: _____
- (c) Date Information sworn: _____
- (d) Date of committal for trial or, if a direct Indictment under s. 577, date Indictment preferred: _____
- (e) Date Indictment filed: _____
- (f) The *Jordan* presumptive ceiling date (30 months from the date the initial information was sworn): _____

2. Form of judicial interim release

- (a) Is the accused detained in custody on this/these charges? ☐ Yes ☐ No
- (b) Is the accused detained in custody on any other charges? ☐ Yes ☐ No
- (c) If the accused is on release, indicate the form of release order:
☐ Summons ☐ Promise to Appear ☐ Undertaking ☐ Release Order

3. Preliminary inquiry

☐ Length: _____ Waived

☐ Direct Indictment

Transcript(s) available: ☐ Yes ☐ No Date ordered: _____

4. Disclosure

Complete: Crown ☐ Yes ☐ No Defence ☐ Yes ☐ No

- (a) Outstanding issues: _____
- (b) Lost/destroyed: _____
- (c) Withheld/delayed: _____

5. Mode of trial

- (a) Current Election: ☐ Judge and jury ☐ Judge alone
- (i) Will there be a re-election to be tried by: ☐ Judge and jury ☐ Judge alone
- (ii) Is there any prospect of a re-election? ☐ Yes ☐ No
- (iii) Will the Crown consent? Yes No
- If not, what is the reason?
- (iv) Additional comments regarding re-elections: _____

(b) Challenge for cause: ☐ Yes ☐ No

(i) *Parks* ☐ Yes ☐ No

Standard *Parks* question ☐ Yes ☐ No

Modified *Parks* question ☐ Yes ☐ No

If modified, proposed question: _____

(ii) Publicity ☐ Yes ☐ No

(iii) Other (please specify): _____

PRE-TRIAL CONFERENCE REPORT

(Criminal Code, s. 625.1)

- (iv) Will there be an application by the accused or Crown under s. 640 (2) for an order excluding all jurors, sworn and unsworn, from the courtroom until it is determined whether the ground of challenge is true?

Crown: ☐ Yes ☐ NoDefence: ☐ Yes ☐ No

If yes, please specify: _____

- (v) Does the Crown consent to the application for challenge for cause noted above?

☐ Yes ☐ No

- (vi) Does the other party consent to the application under s. 640(2) for exclusion of jurors?

☐ Yes ☐ No

Will there be an application for the judge to select substitute or alternate jurors under s. 631(2.1) to attend at the commencement of the presentation of evidence and to be excused at that time if they are not

- (vii) required pursuant to s. 642.1(2)?

☐ Yes ☐ No

- (viii) Does the other party consent to the order?

☐ Yes ☐ No

- (ix) Will there be an application for the judge to direct that 1 or 2 additional jurors be sworn under s. 631(2.2) so that 13 or 14 jurors hear the evidence?

Crown: ☐ Yes ☐ NoDefence: ☐ Yes ☐ No

- (x) Will there be a request under s. 631(3.1) for the judge to order the names and numbers of jury panel members to be called out in court?

Crown: ☐ Yes ☐ NoDefence: ☐ Yes ☐ No

- (c) Does the Crown or defence intend to bring any procedural or substantive applications in regards to the standby provision in s. 633?

Crown: ☐ Yes ☐ NoDefence: ☐ Yes ☐ No

Please specify the nature of the application:

- (d) Does the accused have or intend to seek an order under s. 530 that his/her trial be held in the official language of Canada that is the language of the accused or, if the circumstances warrant, in both official languages?

☐ Yes ☐ No

- (i) If yes, please specify which official language ☐ French ☐ English ☐ Both

- (ii) Does the Crown oppose or dispute the order? ☐ Yes ☐ No

- (iii) If opposed, how does the Defence intend to establish the evidentiary basis for the application(s)?

- (iv) Does the Crown oppose the proposed method of introducing the evidence? ☐ Yes ☐ No

- (e) Comments:

6. Overview of s. 11(b) Charter status

- (a) Has there been any defence delay (as described in *R. v. Jordan*) to date?

Crown ☐ Yes ☐ No

If yes, please specify, including length of time: _____

PRE-TRIAL CONFERENCE REPORT*(Criminal Code, s. 625.1)*Defence ☐ Yes ☐ No

If different from Crown please specify: _____

- (b) Have there been any exceptional circumstances (as described in
- R. v. Jordan*
-) to date?

Crown ☐ Yes ☐ No

If yes, please specify, including length of time: _____

Defence ☐ Yes ☐ No

If different from Crown please specify: _____

- (c) Counsel's Net Jordan Date:

i) Crown: _____

ii) Defence: _____

- (d) Does the Defence intend to bring a stay application for a s. 11(b)
- Charter*
- breach?
- ☐
- Yes
- ☐
- No

- (e) Does either party intend to rely on evidence other than written materials on the application?

Crown: ☐ Yes ☐ No Defence: ☐ Yes ☐ No

If yes, please provide details _____

- (f) Is counsel asking that the pre-trial judge make an order dispensing with factums/written argument?

Crown: ☐ Yes ☐ No Defence: ☐ Yes ☐ No

- (g) Time estimate for application:

EvidenceArgument

Crown _____

Crown _____

Defence _____

Defence _____

- (h) Comments:

N/A

7. Pre-trial motions on the IndictmentCrownDefence

- | | | | | |
|-------------------------------------|------------------------------|-----------------------------|-----|----|
| (a) Quash committal for trial | <input type="checkbox"/> Yes | <input type="checkbox"/> No | Yes | No |
| (b) Quash indictment | <input type="checkbox"/> Yes | <input type="checkbox"/> No | Yes | No |
| (c) Quash a count(s) in indictment: | | | | |
| (i) relying on s. 581(1) | <input type="checkbox"/> Yes | <input type="checkbox"/> No | Yes | No |
| (ii) relying on s. 581(3) | <input type="checkbox"/> Yes | <input type="checkbox"/> No | Yes | No |
| (d) Sever count(s) in indictment | <input type="checkbox"/> Yes | <input type="checkbox"/> No | Yes | No |
| (e) Sever accused | <input type="checkbox"/> Yes | <input type="checkbox"/> No | Yes | No |
| (f) Particulars | <input type="checkbox"/> Yes | <input type="checkbox"/> No | Yes | No |
| (g) Change of venue | <input type="checkbox"/> Yes | <input type="checkbox"/> No | Yes | No |
| (h) Amendment(s) | <input type="checkbox"/> Yes | <input type="checkbox"/> No | Yes | No |
| (i) Comments: | | | | |

CROWN PRE-TRIAL APPLICATIONS

N/A

8. 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) Brief summary of important contents of the statement(s):

- (c) Is the Crown seeking to introduce the statement? ☐ Yes ☐ No

- (d) Is the Crown seeking only a ruling as to admissibility? ☐ Yes ☐ No

- (e) Does the Defence contest admissibility? ☐ Yes ☐ No

- (f) Brief summary of Defence position:

- (g) Form of statement: ☐ Oral ☐ Written ☐ Audio recorded ☐ Video recorded

If the statement is audio or video recorded, is there a transcript?

☐ Yes ☐ No

- (i) If no transcript is available, will the Crown provide one in advance of trial? ☐ Yes ☐ No

- (j) Date transcript to be made available: _____

- (k) Length of statement(s): _____

- (l) Application required? ☐ Yes ☐ No

- | Application issues: | Crown | | Defence | |
|------------------------------------|------------------------------|-----------------------------|------------------------------|-----------------------------|
| recipient as a person in authority | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| voluntariness | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Charter, s. 10 (a) | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Charter, s. 10 (b) | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Charter, s. 7 | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

- (n) Number of witnesses to be called on application: Crown _____ Defence _____

- (o) Time estimate for application: Evidence _____ Argument _____

Crown _____ Crown _____

Defence _____ Defence _____

- (p) If there is more than one issue to be determined with regards to admissibility, do counsel agree that a blended application is appropriate?

Crown: ☐ Yes ☐ No Defence: ☐ Yes ☐ No

- (q) Comments:

N/A

9. Other disreputable conduct evidence, including similar fact

- (a) Is the Crown seeking to introduce prior disreputable conduct evidence, relying on incidents not covered by the indictment?

☐ Yes ☐ No

- (b) Nature of Evidence:

- (c) Does the Crown seek to have admissibility determined at a time other than as a pre-trial application?

☐ Yes ☐ No

- (d) If so, when does the Crown wish to have the application heard?

- (e) Does the Defence contest admissibility? ☐ Yes ☐ No

- (f) If so, please summarize the Defence position:

- (g) How does the Crown propose to introduce the evidence on the application?

(i) Agreed statement of facts ☐ Yes ☐ No

(ii) Witness statements ☐ Yes ☐ No

(iii) Transcripts ☐ Yes ☐ No

(iv) Viva voce evidence ☐ Yes ☐ No

(v) Other

- (h) Does the Defence consent to the manner proposed for introducing the evidence on the application?

☐ Yes ☐ No

- (i) Is the Crown seeking to rely on disreputable conduct evidence, relying only on the counts in the indictment?

☐ Yes ☐ No

- (j) Time estimate for application:

	<u>Evidence</u>	<u>Argument</u>
Crown	_____	Crown _____
Defence	_____	Defence _____

- (k) Comments:

N/A

10.1 Hearsay evidence

- (a) Does the Crown seek to introduce any evidence relying upon a common law exception to the hearsay rule?

☐ Yes ☐ No

- (b) If so, what is the nature of the evidence?

- (c) What is the common law exception upon which the Crown relies? (e.g. dying declaration, spontaneous exclamation, declarations in furtherance of common unlawful design):

PRE-TRIAL CONFERENCE REPORT

(Criminal Code, s. 625.1)

- (d) Does the Defence contest admissibility? ☐ Yes ☐ No
- (e) If so, please summarize the Defence position: _____
- (f) How does the Crown propose to introduce the evidence on the application?
- (i) Agreed statement of facts ☐ Yes ☐ No
- (ii) Witness statements ☐ Yes ☐ No
- (iii) Transcripts ☐ Yes ☐ No
- (iv) *Viva voce* evidence ☐ Yes ☐ No
- (v) Other _____
- (g) Does the Defence consent to the manner proposed for introducing the evidence on the application?
☐ Yes ☐ No
- (h) Time estimate for application:
- | | <u>Evidence</u> | <u>Argument</u> |
|---------|-----------------|-----------------|
| Crown | _____ | Crown _____ |
| Defence | _____ | Defence _____ |
- (i) Comments: _____

N/A

10.2 Principled Exception to the Hearsay Rule

- (a) Does the Crown seek to introduce any evidence relying upon the principled exception to the hearsay rule?
☐ Yes ☐ No
- (b) If so, what is the nature of the evidence?

- (c) Does the Defence contest admissibility? ☐ Yes ☐ No
- (d) If yes, does the Defence contest:
- | | |
|------------------------------------|--|
| necessity | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| reliability | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| prejudicial effect/probative value | <input type="checkbox"/> Yes <input type="checkbox"/> No |
- (e) How does the Crown propose to introduce the evidence on the application?
- (i) Agreed statement of facts ☐ Yes ☐ No
- (ii) Witness statements ☐ Yes ☐ No
- (iii) Transcripts ☐ Yes ☐ No
- (iv) *Viva voce* evidence ☐ Yes ☐ No
- (v) Other _____
- (f) Does the Defence consent to the manner proposed for introducing the evidence on the application?
☐ Yes ☐ No
- (g) Time estimate for application:
- | | <u>Evidence</u> | <u>Argument</u> |
|---------|-----------------|-----------------|
| Crown | _____ | Crown _____ |
| Defence | _____ | Defence _____ |

(h) Comments:

N/A

11. After the fact conduct evidence(a) Does the Crown intend to tender any evidence of after the fact conduct by the accused? ☐ Yes ☐ No

To what element(s) does the Crown say this evidence is admissible?

(b) If so, what is the nature of the evidence?

(c) Does the Defence agree the evidence is admissible, with its potential use to be determined based on submissions at the end of the trial? ☐ Yes ☐ No(d) Is the Defence seeking to have this evidence excluded? ☐ Yes ☐ No

(e) If so, please summarize the Defence position: _____

(f) If so, how does the Defence propose to introduce the evidence on the application to exclude?

(i) Agreed statement of facts ☐ Yes ☐ No(ii) Witness statements ☐ Yes ☐ No(iii) Transcripts ☐ Yes ☐ No(iv) *Viva voce* evidence ☐ Yes ☐ No

(v) Other _____

(g) Does the Crown consent to the manner proposed for introducing the evidence on the application?
☐ Yes ☐ No

(h) Time estimate for application:

EvidenceArgument

Crown

Crown

Defence

Defence

(i) Comments:

N/A

12. Intercepted private communications(a) Does the Crown seek to introduce wiretap evidence? ☐ Yes ☐ No

(b) Brief overview of evidence:

(c) Does the Defence require an application to determine admissibility? ☐ Yes ☐ No

(d) Brief overview of Defence position:

(e) Authorization: ☐ consent, s. 184.2 ☐ authorization, s. 186

Other _____

PRE-TRIAL CONFERENCE REPORT*(Criminal Code, s. 625.1)*(f) Issue to be litigated: ☐ facial validity ☐ sub-facial validity

Other _____

(g) Will the Defence apply for leave to cross-examine the affiant or sub-affiants? ☐ Yes ☐ NoIf yes, please specify, including basis upon which application will be brought
_____(h) Time estimate for application: Evidence Argument

Crown _____ Crown _____

Defence _____ Defence _____

(i) Comments:

N/A

13. Other legal issues requiring rulings anticipated by the Crown:

(a) (i) _____

(ii) _____

(iii) _____

(b) Does the Defence contest the ruling(s) sought? (i) ☐ Yes ☐ No(ii) ☐ Yes ☐ No(iii) ☐ Yes ☐ No

(c) If contested, position of the Defence _____

(d) Time estimate for application(s): Evidence Argument

Crown _____ Crown _____

Defence _____ Defence _____

(e) Comments:

APPLICATIONS BY EITHER PARTY

N/A

14. Competency of witnesses

(a) Does the Crown/Defence intend to call any witness who is under the age of 14?

Crown ☐ Yes ☐ NoDefence ☐ Yes ☐ No

(b) Does the Crown/Defence intend to challenge the capacity of any witness on the basis of mental capacity?

Crown ☐ Yes ☐ NoDefence ☐ Yes ☐ No

(c) Name of witness, and basis of challenge: _____

(d) Time estimate for application: Evidence Argument

Crown _____ Crown _____

PRE-TRIAL CONFERENCE REPORT

(Criminal Code, s. 625.1)

Defence _____ Defence _____

(e) Comments:

15. Manner in which evidence is to be introduced

N/A

15.1 Audio and video conferences and links:

- Does the Crown or Defence seek to have any witness' evidence introduced:
- | | | Crown | | Defence | |
|---|--|--|--|---------|--|
| i) by audio conference or videoconference, under s. 714.1 – witness in Canada | <input type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input type="checkbox"/> No | | |
| If yes, please specify: Audio conference: <input type="checkbox"/> Video Conference: <input type="checkbox"/> | | | | | |
| ii) by video conference under s. 714.2 – witness outside Canada. | <input type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input type="checkbox"/> No | | |
| iii) by audio conference under s. 714.3 – witness outside Canada. | <input type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input type="checkbox"/> No | | |
| iv) by video recorded evidence, under s. 715.1 | <input type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input type="checkbox"/> No | | |
| v) by closed circuit link or behind screen under s. 486.2 | <input type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input type="checkbox"/> No | | |
| If yes, please specify: Closed circuit: <input type="checkbox"/> Behind screen: <input type="checkbox"/> | | | | | |
- b) Basis upon which the applicant seeks to have the ruling made: _____
- c) Does the opposing party consent to the admissibility of the evidence in the manner proposed?
☐ Yes ☐ No
- d) If any issue contested, estimated time for:
- | | <u>Evidence</u> | <u>Argument</u> |
|----------|-----------------|-----------------|
| Crown: | _____ | _____ |
| Defence: | _____ | _____ |

N/A

15.2 Reading-in evidence:

- a) Previously taken under s.715
- | | Crown | Defence |
|--|--|---------|
| <input type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input type="checkbox"/> No | |
- b) Previously taken of a police officer under, s. 715.01.
- | | Crown | Defence |
|--|--|---------|
| <input type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input type="checkbox"/> No | |
- c) Does the opposing party consent to the admissibility of the evidence in the manner proposed?
☐ Yes ☐ No
- d) If any issue contested, estimated time for:
- | | <u>Evidence</u> | <u>Argument</u> |
|---------|-----------------|-----------------|
| Crown | _____ | _____ |
| Defence | _____ | _____ |

PRE-TRIAL CONFERENCE REPORT*(Criminal Code, s. 625.1)*

e) Comments:

N/A

15.3 Affidavit and Certificate Evidence:

a) Does either party intend to file affidavit evidence?

Crown ☐ Yes ☐ NoDefence ☐ Yes ☐ No

If yes, please specify and authority relied upon:

b) Does any party intend to file certificate evidence?

Crown ☐ Yes ☐ NoDefence ☐ Yes ☐ No

If yes, please specify and authority relied upon:

c) Will the other party seek leave to have the witness testify?

Crown ☐ Yes ☐ NoDefence ☐ Yes ☐ No

d) Does the opposing party consent to the admissibility of the evidence in the manner proposed?

☐ Yes ☐ No

e) If any issue contested, estimated time for:

EvidenceArgument

Crown:

Defence:

f) Comments:

N/A

15.4 Appointment of Counsel to cross-examine:

Will the Crown or any witness apply for an order under s. 486.3, appointing counsel to cross-examine a

a) witness(es), if the accused is not represented by counsel?

☐ Yes ☐ No

b) Does the accused contest the order?

☐ Yes ☐ No

N/A

15.5 Use of PowerPoints:

a) Will counsel of their witnesses use any PowerPoint presentations or other visual aids?

Crown ☐ Yes ☐ NoDefence ☐ Yes ☐ No

Please Specify:

PRE-TRIAL CONFERENCE REPORT

(Criminal Code, s. 625.1)

Directions:

N/A

16. Support person(a) Will any Crown witness require a support person ☐ /dog ☐ , under s. 486.1(1)?

(b) Details: _____

(c) Will any Crown witness require a support person ☐ /dog ☐ , under s. 486.1(2)?

(d) Details: _____

(e) Does the Defence oppose the order(s)? ☐ Yes ☐ No

If yes, basis upon which opposed:

(f) If opposed, estimated time for: Evidence Argument

Crown _____ Crown _____

Defence _____ Defence _____

(g) Comments:

N/A

17. Publication Bans/Deferred Publication Orders(a) Does the Crown seek an order under s. 486.4 or 486.5 banning the publication of a complainant's/witness's identity?
☐ Yes ☐ No(b) Is the publication ban ☐ Mandatory on request ☐ Discretionary(c) If the publication ban is discretionary, does the Defence oppose the order? ☐ Yes ☐ No

(d) Were any publication bans or deferred publication orders made in the Ontario Court of Justice?

☐ Yes ☐ No

If yes, please specify: _____

(e) Does either party seek other publication bans or deferred publication orders?

Crown ☐ Yes ☐ No Defence ☐ Yes ☐ No(f) If a discretionary publication ban is being sought, provide details of the order sought, how media to be notified, timing of hearing, time estimate for hearing:
_____(g) Does the other party oppose the application? ☐ Yes ☐ No(h) If order/application opposed, estimated time for: Evidence Argument

Crown _____ Crown _____

Defence _____ Defence _____

(i) Comments:

PRE-TRIAL CONFERENCE REPORT

(Criminal Code, s. 625.1)

☐ N/A**18. Privilege issues**(a) Will the Crown be raising issues of privilege? ☐ Yes ☐ No(b) Will the Defence be raising issues of privilege? ☐ Yes ☐ No

(c) If yes, please specify the nature of evidence and issue of privilege:

(d) Basis upon which the party seeking admission of the evidence relies:

(e) How does the party claiming privilege seek to introduce the evidence on the application?

(i) Agreed statement of facts ☐ Yes ☐ No(ii) Witness statements ☐ Yes ☐ No(iii) Transcripts ☐ Yes ☐ No(iv) *Viva voce* evidence ☐ Yes ☐ No

(v) Other

(f) Does the other party consent to the manner proposed for introducing the evidence on the application?

☐ Yes ☐ No

(g) Time estimate for application:

EvidenceArgument

Crown

Crown

Defence

Defence

(h) Comments:

DEFENCE PRE-TRIAL APPLICATIONS

N/A

19. Challenge to Legislation

(a) Specifics of challenge:

(b) Does the Crown oppose the application? ☐ Yes ☐ No

(c) When does the accused seek to have the challenge determined:

i) On a pre-trial motion ☐ii) At the conclusion of the evidence ☐iii) Other ☐

Please Specify

(d) Does either party intend to rely on evidence other than written materials?

Crown ☐ Yes ☐ NoDefence ☐ Yes☐ No

If yes, please provide details

(e) Time estimate for application:

EvidenceArgument

Crown

Crown

Defence

Defence

PRE-TRIAL CONFERENCE REPORT

(Criminal Code, s. 625.1)

(f) Comments:

N/A

20. Applications to stay proceedings (other than s. 11(b)), based upon:

- (a)
- ☐
- Abuse of process
- ☐
- Charter breach, s. 7
- ☐
- Entrapment (after finding of guilt)

Other: _____

(b) Overview of Defence position: _____

(c) Overview of Crown position: _____

(d) Does either party intend to rely on evidence other than written materials?

Crown ☐ Yes ☐ NoDefence ☐ Yes ☐ No

If yes, please provide details _____

(e) Time estimate for application:

EvidenceArgument

Crown _____

Crown _____

Defence _____

Defence _____

(f) Comments:

N/A

21. Applications to exclude evidence other than a statement based upon Charter, s. 24(2) alleging breaches of:(a) ☐ Charter, s. 7☐ Charter, s. 8 ☐ warrantless search ☐ search warrant ☐ Order ☐ authorizationIssue: ☐ facial validity ☐ sub-facial validity ☐ execution☐ Other: _____☐ Charter, s. 9☐ Other: _____

(b) Defence position(s) regarding nature of breach and evidence sought to be excluded:

(i) Appl. #1: _____

(ii) Appl. #2: _____

(iii) Appl. #3: _____

(c) Crown position(s) regarding nature of breach and evidence sought to be excluded:

(i) Appl. #1: _____

PRE-TRIAL CONFERENCE REPORT

(Criminal Code, s. 625.1)

(ii) Appl. #2: _____

(iii) Appl. #3: _____

(d) If more than one application, do counsel agree the applications can be heard in a combined application?

Crown ☐ Yes ☐ NoDefence ☐ Yes ☐ No(e) Will the Defence apply for leave to cross-examine the affiant or sub-affiants? ☐ Yes ☐ NoIf yes, please specify, including basis upon which application will be brought

(f) How does the Defence propose to introduce the evidence on the application?

(i) Agreed statement of facts ☐ Yes ☐ No(ii) Witness statements ☐ Yes ☐ No(iii) Transcripts ☐ Yes ☐ No(iv) *Viva voce* evidence ☐ Yes ☐ No

(v) Other _____

(g) Does the Crown consent to the manner proposed for introducing the evidence on the application?

☐ Yes ☐ No

(h) Time estimate for application(s):

EvidenceArgument

Crown _____

Crown _____

Defence _____

Defence _____

(i) Comments:

N/A

22. Third Party Records Applications: s. 278; s. 278.92; s. 278.93; s. 278.94By Crown: ☐ Yes ☐ NoBy Defence: ☐ Yes ☐ No(a) Relying upon: *Mills*, s. 278.2 ☐ Yes ☐ No*O'Connor* ☐ Yes ☐ NoRecords in
Possession
of Accused ☐ Yes ☐ No

(b) Nature of records and position of the Applicant:

(c) Position of other party:

(d) Should the application be heard in advance of trial?

☐ Yes ☐ No

(e) Does either party intend to rely on evidence other than written material?

Crown ☐ Yes ☐ NoDefence ☐ Yes ☐ No

If yes, please provide details _____

N/A

23. Evidence of the Complainant's Other Sexual Activity (includes any communication for a sexual purpose or whose content is sexual) – s. 276; s. 278.93; s. 278.94; common law:

By Crown at common law: Yes No

By the defence: Yes No

If yes, please specify basis of application:

(a) Nature of evidence:

(b) Does the Crown contest admissibility? ☐ Yes ☐ No

(c) Dates for filing material:

(d) How does the applicant(s) propose to introduce the evidence on the application?

(i) Agreed statement of facts ☐ Yes ☐ No

(ii) Witness statements ☐ Yes ☐ No

(iii) Transcripts ☐ Yes ☐ No

(iv) *Viva voce* evidence ☐ Yes ☐ No

(v) Other

N/A

24. Evidence of other suspects

(a) Nature of evidence:

(b) Does the Crown contest admissibility? ☐ Yes ☐ No

(c) How does the Defence propose to introduce evidence on application?

(i) Agreed statement of facts ☐ Yes ☐ No

(ii) Witness statements ☐ Yes ☐ No

(iii) Transcripts ☐ Yes ☐ No

(iv) *Viva voce* evidence ☐ Yes ☐ No

(v) Other

(d) Does the Crown consent to the manner proposed for introducing the evidence on the application?

Yes

No

(e) Time estimate for application:

Evidence

Argument

Crown

Crown

Defence

Defence

PRE-TRIAL CONFERENCE REPORT

(Criminal Code, s. 625.1)

(f) Comments:

N/A

25. Character of complainant/victim

(a) Nature of evidence:

(b) Does the Crown contest admissibility? ☐ Yes ☐ No

(c) How does the Defence proposed to introduce evidence on application?

(i) Agreed statement of facts ☐ Yes ☐ No(ii) Witness statements ☐ Yes ☐ No(iii) Transcripts ☐ Yes ☐ No(iv) *Viva voce* evidence ☐ Yes ☐ No

(v) Other

(d) Does the Crown consent to the manner proposed for introducing the evidence on the application?

☐ Yes ☐ No

(e) Time estimate for application:

EvidenceArgument

Crown

Crown

Defence

Defence

(f) Comments:

N/A

26. Corbett application:

1. Does the accused intend to bring a Corbett application? Yes No

If yes, what is the accused's criminal record?

27. Other legal issues requiring rulings anticipated by the Defence

(a) (i) _____

(ii) _____

(iii) _____

(b) Does the Crown contest the ruling(s) sought? (i) ☐ Yes ☐ No(ii) ☐ Yes ☐ No(iii) ☐ Yes ☐ No

PRE-TRIAL CONFERENCE REPORT*(Criminal Code, s. 625.1)*

- (c) If contested, position of the Crown _____
- (d) Time estimate for application(s):
- | | <u>Evidence</u> | <u>Argument</u> |
|---------|-----------------|-----------------|
| Crown | _____ | Crown _____ |
| Defence | _____ | Defence _____ |
- (e) Comments: _____

N/A

28. Expert witnesses

N/A

28.1. Crown witnesses

- (a) Does the Crown intend to call expert witnesses? ☐ Yes ☐ No
- (b) Field(s) of expertise: _____
- (c) Issues upon which the evidence will be introduced: _____
- (d) Does the Defence contest the admissibility of the expert evidence? ☐ Yes ☐ No
- (e) Basis upon which admissibility of evidence contested:
- | | |
|---|--|
| <input type="checkbox"/> legal relevance | <input type="checkbox"/> absence of an exclusionary rule |
| <input type="checkbox"/> logical relevance | <input type="checkbox"/> expert's qualifications |
| <input type="checkbox"/> necessity in assisting trier of fact | |
| <input type="checkbox"/> Other _____ | |
- (f) Time estimate for application:
- | | <u>Evidence</u> | <u>Argument</u> |
|---------|-----------------|-----------------|
| Crown | _____ | Crown _____ |
| Defence | _____ | Defence _____ |
- (g) Comments:

N/A

28.2 Defence witnesses

- (a) Does the Defence intend to call expert witnesses? ☐ Yes ☐ No
- (b) Field(s) of expertise: _____

PRE-TRIAL CONFERENCE REPORT

(Criminal Code, s. 625.1)

(c) Issues upon which the evidence will be introduced:

(d) Does the Crown contest the admissibility of the expert evidence? ☐ Yes ☐ No

(e) Basis upon which admissibility of evidence contested:

- | | |
|--|---|
| <input type="checkbox"/> legal relevance | <input type="checkbox"/> necessity in assisting trier of fact |
| <input type="checkbox"/> logical relevance | <input type="checkbox"/> absence of an exclusionary rule |
| <input type="checkbox"/> expert's qualifications | <input type="checkbox"/> other: _____ |

(f) Time estimate for application:

	<u>Evidence</u>	<u>Argument</u>
Crown	_____	Crown _____
Defence	_____	Defence _____

(g) Comments:

29. Position of accused in court

(a) Will there be an application to have the accused sit at counsel table? ☐ Yes ☐ No

(b) Does the Crown consent? ☐ Yes ☐ No

(c) If opposed, what is the nature of the evidence relied upon?

(d) Time estimate for application:

	<u>Evidence</u>	<u>Argument</u>
Crown	_____	Crown _____
Defence	_____	Defence _____

(e) Comments:

N/A

30. Absence of accused from court

(a) Will there be an application for the accused to be absent from the trial, under s. 650(2)?

Defence ☐ Yes ☐ No

(b) If yes, what is the basis for the application?

(c) Does Crown consent? Yes ☐ No

(d) Time estimate for application:

	<u>Evidence</u>	<u>Argument</u>
Crown	_____	Crown _____
Defence	_____	Defence _____

(e) Comments:

PRE-TRIAL CONFERENCE REPORT

(Criminal Code, s. 625.1)

N/A

31. Fitness to stand trial

- (a) Will the Crown raise the issue of the accused's fitness to stand trial? ☐ Yes ☐ No
- (b) Will the Defence raise the issue of the accused's fitness to stand trial? ☐ Yes ☐ No
- (c) If raised, will the application be opposed? ☐ Yes ☐ No
- (d) Time estimate for application: Evidence Argument

Crown	_____	Crown	_____
Defence	_____	Defence	_____

(e) Comments:

N/A

32. Interpreters

- (a) Does the accused require an interpreter? ☐ Yes ☐ No
- (b) If yes, for which language(s)? _____
- (c) Do any Crown witnesses require an interpreter? ☐ Yes ☐ No
- (d) If yes, for which language(s)? _____
- (e) Do any Defence witnesses require an interpreter? ☐ Yes ☐ No
- (f) If yes, for which language(s)? _____
- (g) Should two interpreters be required? ☐ Yes ☐ No
- (h) Were there any issues with interpretation/interpreters at the preliminary hearing?
- | | |
|--|--|
| Crown <input type="checkbox"/> Yes <input type="checkbox"/> No | Defence <input type="checkbox"/> Yes <input type="checkbox"/> No |
|--|--|
- (i) If yes, please specify: _____

(j) Comments:

N/A

33. Additional courtroom equipment required

- | | |
|---|---|
| (a) Elmo projector <input type="checkbox"/> Yes <input type="checkbox"/> No | (c) Hearing devices <input type="checkbox"/> Yes <input type="checkbox"/> No |
| (b) Television <input type="checkbox"/> Yes <input type="checkbox"/> No | (d) Teleconference facilities <input type="checkbox"/> Yes <input type="checkbox"/> No |
| | (e) Videoconference facilities <input type="checkbox"/> Yes <input type="checkbox"/> No |

(f) Other: _____

(g) Comments:

PRE-TRIAL CONFERENCE REPORT

(Criminal Code, s. 625.1)

N/A

34. Courtroom security issues

(a) Does any party believe that increased courtroom security issues are raised in this case?

Crown ☐ Yes ☐ No Defence ☐ Yes ☐ No

(b) Does either party seek an order closing the courtroom to the public, under s. 486(1)?

Crown ☐ Yes ☐ No Defence ☐ Yes ☐ No

(c) Does the Crown seek an order under s. 486.31 (non-disclosure of witness's identity) or s. 486.7 (security of witnesses)

☐ Yes ☐ No

(d) Details: _____

N/A

35. Other potential legal issues**36. Is it reasonably anticipated that any of the following defences/triable issues will be raised?**CrownDefenceCrownDefence

- | | | | | | |
|--------------------------|--------------------------|---------------------------------|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | Accident | <input type="checkbox"/> | <input type="checkbox"/> | Honest, but mistaken belief in communicated consent |
| <input type="checkbox"/> | <input type="checkbox"/> | Accused as party to the offence | <input type="checkbox"/> | <input type="checkbox"/> | Identity |
| <input type="checkbox"/> | <input type="checkbox"/> | Alibi | <input type="checkbox"/> | <input type="checkbox"/> | Intent |
| <input type="checkbox"/> | <input type="checkbox"/> | Automatism | <input type="checkbox"/> | <input type="checkbox"/> | Intoxication |
| <input type="checkbox"/> | <input type="checkbox"/> | Causation | | <input type="checkbox"/> | Drugs |
| <input type="checkbox"/> | <input type="checkbox"/> | Compulsion | | <input type="checkbox"/> | Alcohol |
| <input type="checkbox"/> | <input type="checkbox"/> | Consent | <input type="checkbox"/> | <input type="checkbox"/> | Knowledge |
| <input type="checkbox"/> | <input type="checkbox"/> | Defence of property | <input type="checkbox"/> | <input type="checkbox"/> | Necessity |
| <input type="checkbox"/> | <input type="checkbox"/> | Did the alleged event occur? | <input type="checkbox"/> | <input type="checkbox"/> | Not criminally responsible |
| <input type="checkbox"/> | <input type="checkbox"/> | Diminished capacity | <input type="checkbox"/> | <input type="checkbox"/> | Possession |
| <input type="checkbox"/> | <input type="checkbox"/> | Duress | | <input type="checkbox"/> | Was possession for the purpose of trafficking? |
| <input type="checkbox"/> | <input type="checkbox"/> | Entrapment | <input type="checkbox"/> | <input type="checkbox"/> | Provocation |
| <input type="checkbox"/> | <input type="checkbox"/> | "Evidence to the contrary" | <input type="checkbox"/> | <input type="checkbox"/> | Self-defence |
| <input type="checkbox"/> | <input type="checkbox"/> | Other | | | |

Comments:

37. Will the pre-trial applications determine the case?Crown ☐ Yes ☐ NoDefence ☐ Yes ☐ No**38. Non-contentious issues**

Jurisdiction

Admitted by Defence☐

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Identity of the accused	<input type="checkbox"/>
Continuity of exhibits	<input type="checkbox"/>
Medical evidence	<input type="checkbox"/>
Documentary evidence	<input type="checkbox"/>
Ownership	<input type="checkbox"/>
Value of property	<input type="checkbox"/>
Accused as driver	<input type="checkbox"/>
Death/injuries caused by accused	<input type="checkbox"/>
Expert's report	<input type="checkbox"/>
Age of complainant	<input type="checkbox"/>
Nature of drug	<input type="checkbox"/>
Amount of drug is "for the purpose of trafficking":	<input type="checkbox"/>
Value of drug	<input type="checkbox"/>
Service of notice	<input type="checkbox"/>
Photographs	<input type="checkbox"/>

Comments:

N/A

39. Other factual, evidentiary or legal admissions sought by the Crown, or conceded by the Defence:Does the Defence agree?

1.	<input type="checkbox"/> Yes	<input type="checkbox"/> No
2.	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3.	<input type="checkbox"/> Yes	<input type="checkbox"/> No
4.	<input type="checkbox"/> Yes	<input type="checkbox"/> No
5.	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Comments:

N/A

40. Case management judge

- (a) Will there be an application for the appointment of a case management judge, under s. 551.1?
 By the Defence ☐ Yes ☐ No By the Crown ☐ Yes ☐ No
- (b) Does the other party consent? ☐ Yes ☐ No
- (c) Issues that counsel suggest should be determined by case management judge:

-
- (d) Will there be an application for an order for a joint hearing of issues in common from separate prosecutions, under s. 551.7?

PRE-TRIAL CONFERENCE REPORT
(Criminal Code, s. 625.1)

By the Defence ☐ Yes ☐ No

By the Crown ☐ Yes ☐ No

(e) Common issues that counsel suggest should be determined by case management judge:

(f) Comments:

41. Positions of the parties

(a) Crown: Upon what evidentiary basis does the Crown seek to establish liability of each accused?

(b) Upon which section(s) of the *Criminal Code* does the Crown rely to establish the liability of each accused?

(c) Does the Crown submit any offences are included in the count(s) in the indictment? ☐ Yes ☐ No
yes, please specify: _____

(d) Does the Defence submit any offences are included in the count(s) in the indictment? ☐ Yes ☐ No
If yes, please specify: _____

(e) Defence: What is the position of the Defence?

(f) Comments:

42. Time estimates

- (a) Anticipated number of Crown witnesses for trial: _____
- (b) Crown time estimate for applications: Evidence _____ Argument _____
Crown to attach to this form a proposed tentative schedule for its applications.
- (c) Crown time estimate for trial: _____
Crown to attach to this form a proposed tentative daily schedule for the trial.
- (d) Defence time estimate for applications: Evidence _____ Argument _____
Defence to attach to this form a proposed tentative schedule for its applications.
- (e) Defence time estimate for trial: _____
- (f) If there are multiple pre-trial applications, can they be heard at the same time?
 Crown ☐ Yes ☐ No Defence ☐ Yes ☐ No
- (g) If not, what is the order in which they should be heard?
 Crown: _____
 Defence: _____
- (h) Comments: _____

Counsel – Crown

Dated _____

Signed _____
Electronic signature is permitted if form is completed electronically

Counsel – Defence

Dated _____

Signed _____
Electronic signature is permitted if form is completed electronically