

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

**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.
2. Crown and defence counsel are encouraged to discuss the issues to be addressed at the pre-hearing 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 fax or e-mail it to defence counsel of record. Defence counsel must fax or e-mail their report to the Crown Attorney, 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.

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 Charged: \_\_\_\_\_

**2. For of Judicial Interim Release:**

a. Is the accused detained in custody on this/these charges?  Yes  No

b. Was bail applied for and denied?  Yes  No

c. Is the accused detained in custody on any other charges?  Yes  No

3. **Disclosure:** Complete?  Yes  No

a. Outstanding issues: \_\_\_\_\_

b. Lost/destroyed: \_\_\_\_\_

c. Withheld/delayed: \_\_\_\_\_

4. **Pre-Trial Motions:**

a. Quash committal for trial  Yes  No

b. Quash indictment  Yes  No

c. Quash a count(s) in indictment:

i. Relying on s. 581(1)  Yes  No

ii. Relying on s. 581(3)  Yes  No

d. Sever count(s) in indictment  Yes  No

e. Sever accused  Yes  No

f. Particulars  Yes  No

g. Amendment(s)  Yes  No

**Crown Pre-Trial Motions:**

5. **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. Is the Crown seeking to introduce the statement?  Yes  No

c. Is the Crown seeking only a ruling as to admissibility?  Yes  No

d. Does the defence dispute admissibility?  Yes  No

e. Form of statement:  Oral  Written  Audiotaped  Videotaped

f. If the statement is audio or video taped, is there a transcript?  Yes  No

g. If no transcript is available, will the Crown provide one in advance of trial?  Yes  No

h. Date to be made available? \_\_\_\_\_

i. Length of statement(s) \_\_\_\_\_

j. *Voir dire* required?  Yes  No

k. *Voir dire* issues:

i. Recipient as a person in authority  Yes  No

ii. Voluntariness  Yes  No

iii. S. 10(a)  Yes  No

iv. S. 10(b)  Yes  No

v. S. 7  Yes  No

l. Number of witnesses to be called on *voir dire*: Crown: \_\_\_\_\_

Defence: \_\_\_\_\_

m. Time estimate for *voir dire*:

Evidence	Argument
Crown: _____	Crown: _____
Defence: _____	Defence: _____

- n. If there is more than one issue, do counsel agree that a blended *voir dire* is appropriate?  
 Crown:  Yes  No Defence:  Yes  No

**6. 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 in pre-trial motion?  Yes  No
- d. If the Crown does not seek to obtain a ruling before trial starts, when does the Crown wish to have the *voir dire*? \_\_\_\_\_
- e. Does the defence dispute admissibility?  Yes  No
- f. How does the Crown seek to introduce the evidence on the *voir dire*?
- i. *Viva Voce* evidence  Yes  No
  - ii. Agreed Statement of facts  Yes  No
  - iii. Witness Statements  Yes  No
  - iv. Transcripts  Yes  No
- g. Does the defence consent to the manner in which the Crown seeks to introduce the evidence on the *voir dire*?  Yes  No
- h. Comment: \_\_\_\_\_
- 
- i. Time estimate for *voir dire*:

Evidence	Argument
Crown: _____	Crown: _____
Defence: _____	Defence: _____

- j. Is the Crown seeking to rely on disreputable conduct evidence, relying only on the counts in the indictment?  Yes  No

**7. 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  Yes  No  
 Reliability  Yes  No  
 Prejudicial effect/probative value  Yes  No
- e. How does the Crown propose to introduce the evidence on the *voir dire*?
- i. *Viva Voce* evidence  Yes  No
  - ii. Agreed Statement of facts  Yes  No
  - iii. Witness Statements  Yes  No
  - iv. Transcripts  Yes  No

f. Does the defence consent to the manner in which the Crown seeks to introduce the evidence on the *voir dire*?  Yes  No

g. Comment: \_\_\_\_\_  
\_\_\_\_\_

h. Time estimate for *voir dire*:

Evidence	Argument
Crown: _____	Crown: _____
Defence: _____	Defence: _____

**8. After the Fact Conduct Evidence:**

a. Will the Crown be seeking to tender any evidence of after the fact conduct by the accused?  
 Yes  No

b. If so, what is the nature of the evidence? \_\_\_\_\_

c. Does the defence contest admissibility?  Yes  No

d. How does the Crown propose to introduce the evidence on the *voir dire*?

i. *Viva Voce* evidence  Yes  No

ii. Agreed Statement of facts  Yes  No

iii. Witness Statements  Yes  No

iv. Transcripts  Yes  No

e. Does the defence consent to the manner in which the Crown seeks to introduce the evidence on the *voir dire*?  Yes  No

f. Comment: \_\_\_\_\_  
\_\_\_\_\_

g. Time estimate for *voir dire*:

Evidence	Argument
Crown: _____	Crown: _____
Defence: _____	Defence: _____

**9. Intercepted Private Communications:**

a. Does the Crown seek to introduce wiretap evidence?  Yes  No

b. Brief overview of evidence: \_\_\_\_\_  
\_\_\_\_\_

c. Does the defence require a *voir dire* to determine admissibility?  Yes  No

d. Brief overview of defence position: \_\_\_\_\_  
\_\_\_\_\_

e. Authorization:  consent, s. 184.2  Authorization s. 186

f. Other: \_\_\_\_\_

g. Issue to be litigated:  facial validity  Sub-facial validity

h. Other: \_\_\_\_\_

i. Time estimate for *voir dire*:

Evidence	Argument
Crown: _____	Crown: _____
Defence: _____	Defence: _____

**10. Other Legal Issues Requiring Rulings Crown Counsel Anticipates will Arise:**

a. \_\_\_\_\_  
\_\_\_\_\_

b. Time estimate for *voir dire*:

Evidence	Argument
Crown: _____	Crown: _____
Defence: _____	Defence: _____

**11. Competency of Witnesses:**

a. Does the Crown/defence intend to call any witness who is under the age of 14?  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: \_\_\_\_\_  
\_\_\_\_\_

**12. 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, 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

iv. By videotaped evidence, pursuant to s. 715.2?  Yes  No

v.  Other means? Details: \_\_\_\_\_

b. Does the opposing party consent to the admissibility of the evidence in the manner proposed?

Yes  No

c. If opposed, estimated time for:

Evidence	Argument
Crown: _____	Crown: _____
Defence: _____	Defence: _____

**13. Testimonial Aids:**

a. Will the Crown apply to have a witness testify with a support person, pursuant to s. 486.1(1)?

Yes  No

Details: \_\_\_\_\_

b. Will the Crown apply to have a witness testify with a support person, pursuant to s. 486.1(2)?

Yes  No

Details: \_\_\_\_\_

- c. Does the defence oppose the order?  Yes  No
- d. Will the Crown apply to have a witness testify with a screen or from outside the courtroom, pursuant to s. 486.2?  Yes  No

Details: \_\_\_\_\_

- e. Does the defence oppose the order?  Yes  No

**14. Exclusion of Public/Publication Bans/Deferred Publication Orders:**

- a. Will the Crown apply to have the public excluded or to have a witness' identity shielded from the public for all or part of the proceeding, pursuant to s. 486?  Yes  No
- b. Does the defence oppose the order?  Yes  No
- c. Does the Crown seek an order pursuant to ss. 486.31, 486.4 or 486.5 banning the publication of the complainant's identity?  Yes  No
- d. Does the defence oppose the order?  Yes  No
- e. If opposed, estimated time for:

Evidence	Argument
Crown: _____	Crown: _____
Defence: _____	Defence: _____

- f. Does either party seek other publication bans or deferred publication orders?
  - Crown  Yes  No
  - Defence  Yes  No
- g. If yes, provide details of order sought, media to be notified, timing of hearing, time estimate for hearing: \_\_\_\_\_

- h. Does the other party oppose the application?  Yes  No

- i. If opposed, provide time estimate for evidence and separate time estimate for argument:

Evidence	Argument
Crown: _____	Crown: _____
Defence: _____	Defence: _____

**15. 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 rely: \_\_\_\_\_
- e. How does the party claiming privilege seek to introduce the evidence on the *voir dire*?
  - i. *Viva Voce* evidence  Yes  No
  - ii. Agreed Statement of facts  Yes  No
  - iii. Witness Statements  Yes  No
  - iv. Transcripts  Yes  No

f. Does the other party consent to the manner in which the evidence will be introduced on the *voir dire*?  Yes  No

g. Comment: \_\_\_\_\_

h. Time estimate for *voir dire*:

Evidence	Argument
Crown: _____	Crown: _____
Defence: _____	Defence: _____

**16. Application to Stay Proceeding Based Upon:**

- a.  Abuse of Process
- b.  Contravention of Charter section: s. 7
- c.  S. 11(b)
- d.  Other
- e. Estimate time for *voir dire* (evidence and argument):

Evidence	Argument
Crown: _____	Crown: _____
Defence: _____	Defence: _____

**17. Applications to Exclude Evidence Based Upon s. 24(2) Alleging Breaches of:**

- a.  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. Evidence sought to be excluded: \_\_\_\_\_

c. Nature of breach: \_\_\_\_\_

d. Time estimate for *voir dire*:

Evidence	Argument
Crown: _____	Crown: _____
Defence: _____	Defence: _____

**18. Third Party Records Applications:**  Yes  No

- a. Relying upon: Mills, s. 278.2  Yes  No
- O'Connor  Yes  No

b. Nature of Records: \_\_\_\_\_

c. Time estimate for *voir dire*:

Evidence	Argument
Crown: _____ Defence: _____	Crown: _____ Defence: _____

d. How long prior to trial does the applicant propose the motion be heard? \_\_\_\_\_

**19. Application to Adduce Record in Possession/Control of Accused – s. 478.92:**

- Yes – currently in possession of accused  No  
 Maybe – dependent on outcome of s. 278.2 application

a. Nature of Record: \_\_\_\_\_

b. Time estimate for *voir dire*:

Evidence	Argument
Crown: _____ Defence: _____	Crown: _____ Defence: _____

**20. Evidence of the Complainant’s Prior Sexual Activity – s. 276:**  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: _____ Defence: _____	Crown: _____ Defence: _____

**21. Evidence of Other Suspects:**

a. Nature of Evidence: \_\_\_\_\_

b. How does defence propose to introduce evidence on *voir dire*?

- i. *Viva Voce* evidence  Yes  No  
ii. Agreed Statement of facts  Yes  No  
iii. Witness Statements  Yes  No  
iv. Other  Yes  No

c. Does the Crown oppose admissibility?  Yes  No



d. Time estimate for *voir dire*:

Evidence	Argument
Crown: _____	Crown: _____
Defence: _____	Defence: _____

**22. Character of Victim:**

a. Nature of Evidence: \_\_\_\_\_  
\_\_\_\_\_

b. Time estimate for *voir dire*:

Evidence	Argument
Crown: _____	Crown: _____
Defence: _____	Defence: _____

**23. Other Legal Issues Defence Counsel Anticipate Will Arise at Trial (e.g. Corbett Application):**

a. Time estimate for *voir dire*:

Evidence	Argument
Crown: _____	Crown: _____
Defence: _____	Defence: _____

**24. Expert witnesses:**

**25. 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:
  - i.  Witness is not an expert
  - ii.  Area of expertise requires a *voir dire*
  - iii.  Witness cannot give evidence sought
- f. Comments: \_\_\_\_\_  
\_\_\_\_\_

g. Time estimate for *voir dire*:

Evidence	Argument
Crown: _____	Crown: _____
Defence: _____	Defence: _____

**26. Defence Witnesses:**

- a. Does the defence intend to call expert witnesses?       Yes       No
- b. Field of expertise: \_\_\_\_\_
- 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:
  - i.  Witness is not an expert
  - ii.  Area of expertise requires a *voir dire*
  - iii.  Witness cannot give evidence sought
- f. Comments: \_\_\_\_\_

g. Time estimate for *voir dire*:

Evidence	Argument
Crown: _____	Crown: _____
Defence: _____	Defence: _____

**27. 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

**28. Absence of Accused from the Court:**

- a. Will there be an application for the accused to be absent from the trial, pursuant to s. 486.2?  
 Yes       No
- b. If yes, what is the basis for the application? \_\_\_\_\_

**29. Position 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 Information?  
\_\_\_\_\_

d. Does the defence submit any offences are included in the count(s) in the Information?

e. Defence: What is the position of the defence? \_\_\_\_\_  
\_\_\_\_\_

**30. 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 *voir dire*:

Evidence	Argument
Crown: _____	Crown: _____
Defence: _____	Defence: _____

**31. Interpreters:**

- a. Does the accused require an interpreter?                     Yes                     No  
If yes, for which language(s)? \_\_\_\_\_
- b. Do any Crown witnesses require an interpreter?     Yes                     No  
If yes, for which language(s)? \_\_\_\_\_
- c. Should two interpreters be required?                     Yes                     No

**32. Court Room Equipment Required:**

- a. Elmo projector                     Yes                     No
- b. Television and VCR                     Yes                     No
- c. Television and CD player                     Yes                     No
- d. Hearing devices                     Yes                     No
- e. Other                     Yes                     No \_\_\_\_\_

**33. Other Potential Legal Issues:**

**34. Is it Reasonably Anticipated that any of the Following Defences/Triable Issues will be Raised?**

- Accident                     Intoxication – Drugs                     Intoxication - Alcohol
- Alibis                     Automatism                     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

**35. Non-Contentious Issues:**

**Admitted**

**Not Contested**

Jurisdiction	<input type="checkbox"/>	<input type="checkbox"/>
Identity of the accused	<input type="checkbox"/>	<input type="checkbox"/>
Continuity of exhibits	<input type="checkbox"/>	<input type="checkbox"/>
Medical Evidence	<input type="checkbox"/>	<input type="checkbox"/>
Documentary Evidence	<input type="checkbox"/>	<input type="checkbox"/>
Ownership	<input type="checkbox"/>	<input type="checkbox"/>
Value of Property	<input type="checkbox"/>	<input type="checkbox"/>
Accused as Driver	<input type="checkbox"/>	<input type="checkbox"/>
Death/injuries caused by accused	<input type="checkbox"/>	<input type="checkbox"/>
Expert's report	<input type="checkbox"/>	<input type="checkbox"/>
Age of Complainant	<input type="checkbox"/>	<input type="checkbox"/>
Nature of drug	<input type="checkbox"/>	<input type="checkbox"/>
Amount of drug is "for the purpose of trafficking"	<input type="checkbox"/>	<input type="checkbox"/>
Value of drug	<input type="checkbox"/>	<input type="checkbox"/>
Service of Notice	<input type="checkbox"/>	<input type="checkbox"/>
Photographs	<input type="checkbox"/>	<input type="checkbox"/>

**36. Other Factual, Evidentiary, or Legal Admissions Sought by the Crown or Conceded by**

**Defence:**

Issue:	Item:	Does Defence agree?
		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No

**37. Affidavit Evidence:**

- a. Does the Crown intend to file affidavit evidence?  Yes  No
- b. If so, please specify: \_\_\_\_\_
- c. Will the defence seek leave to have the witness testify?  Yes  No

**38. Time Estimates:**

- a. Anticipated Number of Crown Witnesses: \_\_\_\_\_
- b. Crown estimate for *voir dices*: Evidence: \_\_\_\_\_ Argument: \_\_\_\_\_
- c. Crown time estimate for trial: Evidence: \_\_\_\_\_ Argument: \_\_\_\_\_
- d. Defence time estimate for *voir dices*: Evidence: \_\_\_\_\_ Argument: \_\_\_\_\_
- e. Defence Time estimate for trial: Evidence: \_\_\_\_\_ Argument: \_\_\_\_\_

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

\_\_\_\_\_  
Name of Crown Counsel

\_\_\_\_\_  
Name of Defence Counsel

\_\_\_\_\_  
Signature of Crown Counsel

\_\_\_\_\_  
Signature of Defence Counsel