**THE KING'S BENCH**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Centre**

BETWEEN:

HIS MAJESTY THE KING

(applicant or respondent)

-and-

(applicant or respondent)

**pre-trial conference brief**

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(name, address, email address and telephone

and fax numbers of the person filing the document)

**THE KING'S BENCH**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Centre**

BETWEEN:

HIS MAJESTY THE KING

(applicant or respondent)

-and-

(applicant or respondent)

**PRE-TRIAL CONFERENCE BRIEF**

☐ Crown brief: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (prepared by and date)

☐ Defence brief: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (prepared by and date)

(Counsel for: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ , if multiple accused.)

Have the parties discussed the issues raised in this Form after the committal for trial? Yes ☐ No ☐

Charges:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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**Election**: Judge and Jury ☐ Judge Alone ☐

**Is a re-election anticipated?** Yes ☐ No ☐

**Will the Crown consent?** Yes ☐ No ☐

**1 Chronology**

**(a)** Date(s) of offence(s):

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**(b)** Date of arrest:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**(c)** Date of committal for trial:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**(d)** Date indictment filed:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**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 ☐

**3 Preliminary Inquiry**

Waived: Yes ☐ No ☐

Length: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Transcript ordered: Yes ☐ No ☐

**DISCLOSURE**

**4 Disclosure**

Complete: Yes ☐ No ☐

**(a)** Outstanding issues:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**(b)** When will outstanding disclosure be provided to defence?

**5 Third Party Records Applications**

**(a)** Relying on:

section 278.3 of the Code: Yes ☐ No ☐

O’Connor: Yes ☐ No ☐

**(b)** Nature of records:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**(c)** Time estimate for voir dire: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**6 Removal of Accused’s Counsel**

Will the Crown be seeking removal of the accused’s counsel (e.g. alleging a conflict of interest)? If so, explain.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**MENTAL DISORDER**

**7 Mental Disorder Questions**

**(a)** Will the issue of not criminally responsible due to mental disorder be raised at trial?

By the Crown? Yes ☐ No ☐ By the defence? Yes ☐ No ☐

If raised, will the application be opposed? Yes ☐ No ☐

**(b)** Is there an issue of the accused’s fitness to stand trial? Yes ☐ No ☐

**RE-TRIALS**

**8 Evidentiary Rulings from Previous Trial**

If this is a re-trial of a charge following a mistrial, do any of the parties take issue with the evidentiary rulings from the previous trial (section 653.1 of the Code)? Yes ☐ No ☐

**PRE-TRIAL ISSUES**

**9 Pre-trial Motions**

**(a)** Quash indictment or count on the indictment: Yes ☐ No ☐

**(b)** Sever count(s) in indictment: Yes ☐ No ☐

**(c)** Sever accused: Yes ☐ No ☐

**(d)** Change of venue: Yes ☐ No ☐

**(e)** Amendment(s): Yes ☐ No ☐

**(f)** Other:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**10 Non-evidentiary Charter Issues**

**(a)** Challenge to legislation or common law provision:

Specifics of challenge:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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Can the challenge be heard in advance of the trial? If so, on what evidentiary basis?

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**(b)** Application for remedy under subsection 24(1) of the Charter:

Grounds:

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**(c)** Has notice of a constitutional question been served? Yes ☐ No ☐

Time estimate for hearing of application:

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**11 Applications to Exclude Evidence Under Subsection 24(2) of Charter**

**(a)** Evidence sought to be excluded:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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**(b)** Charter sections to be relied on:

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**(c)** Overview of defence position: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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**(d)** Overview of Crown position: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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**(e)** Time estimate for voir dire:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**12 Intercepted Private Communications**

**(a)** Does the Crown seek to introduce wiretap evidence? Yes ☐ No ☐

(**b)** Brief overview of evidence:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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**(c)** Does the defence require a voir dire to determine admissibility? Yes ☐ No ☐

**(d)** Will the defence apply to open the sealed packet? Yes ☐ No ☐

**(e)** Brief overview of defence position:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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**(f)** Will the defence be making a Garofoli application? Yes ☐ No ☐

**(g)** Is voice identification an issue? Yes ☐ No ☐

**(h)** Time estimate for voir dire: \_\_\_\_\_\_\_\_\_\_\_\_\_\_

**13 Statements of Accused**

**(a)** Will the Crown be tendering a statement of the accused as part of its case? Yes ☐ No ☐

**(b)** Will the Crown wish to use the statement to cross-examine the accused? Yes ☐ No ☐

**(c)** Form of the statement: Oral comments ☐ Written ☐ Audiotaped ☐ Videotaped ☐

**(d)** Does the defence dispute admissibility? Yes ☐ No ☐

**(e)** Voir dire issues:

Recipient as a person in authority: Yes ☐ No ☐

Voluntariness: Yes ☐ No ☐

Paragraph 10(a) of the Charter: Yes ☐ No ☐

Paragraph 10(b) of the Charter: Yes ☐ No ☐

Section 7 of the Charter: Yes ☐ No ☐

**(f)** Brief summary of the defence’s position:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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**(g)** If the statement was audiotaped or videotaped, has a transcript been provided to the defence? Yes ☐ No ☐

**(h)** If there are both Charter and voluntariness issues, do the parties agree that a blended voir dire is appropriate?

Crown: Yes ☐ No ☐

Defence: Yes ☐ No ☐

**(i)** Time estimate for voir dire: \_\_\_\_\_\_\_\_\_\_\_\_\_\_

**14 Witness Statements**

**(a)** Will the Crown be seeking to introduce prior testimony or statements of a witness under section 715, 715.1 or 715.2 of the Code? If so, provide details.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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**(b)** Will the defence contest the admissibility of the evidence or statements? Yes ☐ No ☐

**15 Principled Exception to Hearsay Rule / K.G.B. Applications**

(**a)** Does the Crown seek to introduce any evidence relying on the principled exception to the hearsay rule? Yes ☐ No ☐

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

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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**(c)** Does the defence contest admissibility? Yes ☐ No ☐

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

Viva voce evidence: Yes ☐ No ☐

Agreed statement of facts: Yes ☐ No ☐

Witness statements: Yes ☐ No ☐

Transcripts: Yes ☐ No ☐

**(e)** Time estimate for voir dire: \_\_\_\_\_\_\_\_\_\_\_\_\_\_

**16 Expert Witnesses**

(**a)** Does the Crown intend to call expert witnesses or tender expert reports? Yes ☐ No ☐

**(b)** Field(s) of expertise:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**(c)** Issues in respect of which the evidence will be introduced:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

**(e)** Does the defence contest the expertise of the witness? Yes ☐ No ☐

**(f)** Time estimate for voir dire: \_\_\_\_\_\_\_\_\_\_\_\_\_\_

**17 Similar Fact Evidence**

**(a)** Is the Crown seeking to introduce evidence of prior similar acts by the accused? Yes ☐ No ☐

**(b)** Nature of evidence:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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**(c)** Does the Crown seek to have admissibility determined in a pre-trial motion? Yes ☐ No ☐

**(d)** Does the defence dispute admissibility? Yes ☐ No ☐

**(e)** How does the Crown seek to introduce the evidence on the voir dire?

Viva voce evidence: Yes ☐ No ☐

Agreed statement of facts: Yes ☐ No ☐

Witness statements: Yes ☐ No ☐

Transcripts: Yes ☐ No ☐

**(f)** Time estimate for voir dire: \_\_\_\_\_\_\_\_\_\_\_\_\_\_

**(g)** Is the Crown seeking to rely on similar fact evidence with respect to the counts in the indictment? Yes ☐ No ☐

**18 Defence Experts**

**(a)** Does the defence intend to call expert witnesses? Yes ☐ No ☐

**(b)** Field of expertise:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**(c)** Issues in respect of which the evidence will be introduced?

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

**(e)** Does the Crown contest the expertise of the witnesses? Yes ☐ No ☐

**(f)** Time estimate for voir dire: \_\_\_\_\_\_\_\_\_\_\_\_\_\_

**19 Sexual Assault Trials — Section 276 of Code**

**(a)** Will defence counsel be seeking to cross-examine the complainant on prior sexual activity? Yes ☐ No ☐

**(b)** Nature of evidence:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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**(c)** Manner in which defence seeks to establish evidentiary basis on application:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**(d)** Time estimate for voir dire: \_\_\_\_\_\_\_\_\_\_\_\_\_\_

**20 Other Issues That May Require Pre-trial Rulings**

**(a)** Issues:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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**(b)** Will a voir dire be necessary? Yes ☐ No ☐

**TRIAL ISSUES**

**21 Defences and Triable Issues**

Is it reasonably anticipated that any of the following defences and triable issues will be raised? Yes ☐ No ☐

If yes, specify:

☐ Identity

☐ Intoxication by drug or alcohol

☐ Accident

☐ Alibi

☐ Honest but mistaken belief in consent

☐ Self-defence

☐ Provocation

☐ Automatism

☐ Duress

☐ Other:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**22 Defence Admissions**

Are any of the following issues admitted by the defence? Yes ☐ No ☐

If yes, specify:

☐ Jurisdiction

☐ Identity of the accused

☐ Date(s) of the offence(s)

☐ Continuity of exhibits

☐ Ownership of property that is the subject matter of the offence

☐ Value of property that is the subject matter of the offence

☐ Death or injuries caused by accused

☐ Nature of drug (Controlled Drugs and Substances Act offences)

☐ Amount of drug possessed is “for the purpose of trafficking” (Controlled Drugs and Substances Act offences)

☐ Value of drug (Controlled Drugs and Substances Act offences)

**23 Other Factual, Evidentiary or Legal Admissions**

Admission Does the defence agree?

**1.** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Yes ☐ No ☐

**2.** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Yes ☐ No ☐

**3.** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Yes ☐ No ☐

**4.** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Yes ☐ No ☐

**5.** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Yes ☐ No ☐

**24 Competency of Witnesses**

**(a)** Does the Crown or the defence intend to call any child witnesses? Yes ☐ No ☐

**(b)** Does the Crown or the defence intend to challenge the capacity of any witness to testify? Yes ☐ No ☐

If yes, specify name of witness and basis of challenge:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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**25 Witnesses Under 18 or Who Have Disability**

Does the Crown intend to seek an order for a support person under section 486.1 of the Code or any testimonial aid (e.g. a screen) under section 486.2 of the Code? Yes ☐ No ☐

If yes:

**(a)** Provide details: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**(b)** Does the defence oppose the order? Yes ☐ No ☐

**26 Publication Bans**

Does any party seek a publication ban?

Crown: Yes ☐ No ☐

Defence: Yes ☐ No ☐

If yes:

**(a)** Provide details of order sought, media to be notified, timing of hearing and time estimate for hearing:

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**(b)** Does the other party oppose the application? Yes ☐ No ☐

If opposed, provide time estimate for hearing: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**27 Privilege Issues**

Will any claim of privilege be asserted in respect of any evidence proposed for introduction? Yes ☐ No ☐

If yes, provide details:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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**28 Other Legal Issues That May Arise During Trial**

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**29 Challenges for Cause**

**(a)** Does the Crown intend to challenge jurors for cause? Yes ☐ No ☐

If yes, what are the grounds:

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**(b)** Does the defence intend to challenge jurors for cause? Yes ☐ No ☐

If yes, what are the grounds:

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**30 Interpreters**

**(a)** Does the accused require an interpreter? Yes ☐ No ☐

If yes, for which language(s)?\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**(b)** Do any witnesses require an interpreter? Yes ☐ No ☐

If yes, for which language(s)? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**31 Special Courtroom Equipment Required**

Is any special equipment required (e.g. video equipment)? Yes ☐ No ☐

If yes, provide details:

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**32 Courtroom Security Issues**

Are there any special courtroom security issues that need to be addressed? Yes ☐ No ☐

If yes, provide details:

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**33 Other Potential Issues**

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**34 Time Estimates**

**(a)** Anticipated number of Crown witnesses:

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**(b)** Time estimate for the Crown’s case:

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**(c)** Time estimate for the defence’s case:

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Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

***1*** *This Form must be filed by the assigned prosecutor and by counsel for each accused person or, if self-represented, the accused, before the first pre-trial conference or the resolution conference, whichever occurs earlier, unless otherwise ordered.*

***2*** *Each party must provide their position on each issue and not indicate they “will advise” or “not as yet”, etc.*

***3*** *The prosecutor must file this Form and serve it on defence counsel or, if self-represented, the accused, at least 14 days before the pre-trial conference or resolution conference. Counsel or the self-represented accused must file and serve their brief on the prosecutor at least seven days before the pre-trial conference or the resolution conference, regardless of whether the Crown has filed the Form. In cases where the Crown has not filed the Form or has filed it late, defence counsel or the self-represented accused should complete the Form to the extent possible.*

***4*** *If any party changes the position taken on this Form, they must provide written notice to the other party and to the pre-trial judge of the change in position. If a party has not indicated that an application or motion will be brought, the presumption is that it will not be heard. The failure to notify the other side and the 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 the application may proceed.*

***5*** *The prosecutor’s copy of the brief must be accompanied by a brief synopsis of the allegations and the theory of the Crown’s case. If the prosecutor is arguing that the accused is liable to an offence as a party, the section of the Code that is being relied on by the prosecutor must be indicated.*