**THE KING'S BENCH**

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

BETWEEN:

HIS MAJESTY THE KING

(applicant or respondent)

-and-

(applicant or respondent)

**PRE-HEARING CONFERENCE REPORT FOR DANGEROUS OR**

**LONG-TERM OFFENDER APPLICATION**

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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-HEARING CONFERENCE REPORT FOR DANGEROUS OR**

**LONG-TERM OFFENDER APPLICATION**

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

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

Have counsel discussed the issues raised in this Form after the committal for trial?

Yes ☐ No ☐

#### ASSESSMENT PHASE

##### 1 Chronology

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

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

**(b)** Date of arrest:

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**(c)** Date of conviction:

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

##### 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 Offences of Which Offender Has Been Convicted or to Which They Will Be Pleading Guilty:

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

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##### 4 Trial Judge

Do counsel anticipate any problem arising if the Court were to assign a judge who is not the trial judge to hear the dangerous or long-term offender application?

Crown: Yes ☐ No ☐

Defence: Yes ☐ No ☐

If yes, specify:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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##### 5 Order Under Part XXIV of Code

On which provision(s) does the Crown rely in seeking an order under Part XXIV of the Code?

☐ Subparagraph 753(1)(a)(i)

☐ Subparagraph 753(1)(a)(ii)

☐ Subparagraph 753(1)(a)(iii)

☐ Paragraph 753(1)(b)

☐ Subsection 753.1(1)

##### 6 Section 752.1 of Code Assessment

**(a)** Does the offender consent to the order? Yes ☐ No ☐

If opposed, specify the basis on which the order is opposed:

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**(b)** Does any party intend to call evidence on the application? Yes ☐ No ☐

If yes, outline the witnesses, the anticipated evidence and provide time estimates for evidence and argument:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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**(c)** Have counsel discussed the materials to be provided to the doctor preparing the assessment? Yes ☐ No ☐

If there are issues, set out the materials that are contentious:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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##### 7 Time Estimates for Evidence and Argument

Crown estimate: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

#### APPLICATION PHASE

##### 8 Attorney General’s Consent

Has the Crown received the Attorney General’s consent? Yes ☐ No ☐

If no, when is the response expected?

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If yes, is the consent to proceed with a

☐ Dangerous offender application

☐ Long-term offender application

##### 9 Evidentiary Basis

What is the evidentiary basis for the application?

**(a)** Current conviction(s): Yes ☐ No ☐ (If yes, attach a synopsis to the Crown form.)

If the trial was before a judge and jury, will any party request a hearing under section 724 of the Code regarding the factual conclusions?

Crown: Yes ☐ No ☐

Defence: Yes ☐ No ☐

If yes, provide time estimates for submissions:

Crown: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

**(b)** Prior convictions: Yes ☐ No ☐

If yes, list offence(s), date(s), whether trial or guilty plea and sentence(s) and attach a brief summary of the offence(s):

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

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

**(ii)** If yes, on what basis does the defence dispute admissibility?

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**(iii)** How will the Crown seek to introduce the evidence of the prior conviction(s)?

☐ Transcripts

☐ Oral testimony

☐ Court records

If otherwise, specify: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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**(iv)** If the evidence is admissible, does the defence dispute the method by which the Crown seeks to introduce the evidence? Yes ☐ No ☐

Comments: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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**(c)** Prior uncharged offences or other conduct: Yes ☐ No ☐

**(i)** If yes, list incident(s) and date(s) and attach a brief summary of the incident(s):

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

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

**(iii)** If yes, on what basis does the defence dispute admissibility?

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**(iv)** How will the Crown seek to introduce the evidence of the prior uncharged offences or other conduct?

☐ Transcripts

☐ Oral testimony

☐ Court records

If otherwise, specify: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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**(v)** If the evidence is admissible, does the defence dispute the method by which the Crown seeks to introduce the evidence? Yes ☐ No ☐

Comments: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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**(d)** Other evidence: Yes ☐ No ☐

**(i)** If yes, attach a brief summary of the evidence: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

**(iii)** If yes, on what basis does the defence dispute admissibility?

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**(iv)** How will the Crown seek to introduce the evidence?

☐ Transcripts

☐ Oral testimony

☐ Court records

If otherwise, specify: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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**(v)** If the evidence is admissible, does the defence dispute the method by which the Crown seeks to introduce the evidence? Yes ☐ No ☐

Comments: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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**(e)** Crown expert witnesses

**(i)** Does the Crown intend to call expert witnesses? Yes ☐ No ☐

**(ii)** Does the defence contest the admissibility of the expert evidence as disclosed?

Yes ☐ No ☐

**(iii)** Name(s) of expert witnesses:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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**(iv)** Field(s) of expertise:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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**(v)** Issues on which the evidence will be introduced:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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**(vi)** Basis on which the admissibility of the evidence is contested:

☐ Legal relevance

☐ Logical relevance

☐ Necessity in assisting trier of fact

☐ Presence of an exclusionary rule

☐ Expert’s qualifications

**(vii)** Comments:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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**(viii)** Time estimate for voir dire

Evidence: Crown \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Defence \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Argument: Crown \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Defence \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

##### 10 Disclosure

Complete: Yes ☐ No ☐

**(a)** Outstanding issues:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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**(b)** Lost or destroyed evidence:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**(c)** Withheld or delayed evidence:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**(d)** How are the outstanding issues to be addressed and by what date?

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##### 11 Documents

**(a)** Third party records applications: Yes ☐ No ☐

**(i)** Relying on:

Mills, section 278.3 of the Code: Yes ☐ No ☐

O’Connor: Yes ☐ No ☐

**(ii)** Nature of records:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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**(iii)** Time estimate for voir dire

Evidence: Crown \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Defence \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Argument: Crown \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Defence \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**(iv)** How long prior to trial does the applicant propose the motion be heard?

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**(b)** Institutional records

**(i)** Does the Crown intend to introduce institutional records? Yes ☐ No ☐

**(ii)** If yes, list institutions from which records are to be produced:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

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**(iii)** Issues on which the records will be introduced: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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**(iv)** Does the defence contest the admissibility of the records? Yes ☐ No ☐

**(v)** If yes, on what basis does the defence dispute admissibility?

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

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##### 12 Charter Applications

Does the offender intend to bring any Charter application that has not been addressed above? Yes ☐ No ☐

If yes, will the application be to challenge:

**(a)** Legislation? Yes ☐ No ☐

If yes, provide details of challenge, nature of evidence to be called and time estimates for evidence and arguments:

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

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**(b)** Admissibility of evidence, not noted above? Yes ☐ No ☐

If yes, provide details of challenge, nature of evidence to be called and time estimates for evidence and arguments:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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##### 13 Other Legal Issues

**(a)** Are there other legal issues that may require rulings?

Yes ☐ No ☐

If yes, provide details:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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**(b)** Time estimate for voir dire

Evidence: Crown \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Defence \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Argument: Crown \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Defence \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

##### 14 Defence Experts

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

If yes:

Name(s) of expert(s): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Qualifications of the proposed witness as an expert: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

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Description of the area of expertise of the proposed witness that is sufficient to permit the other parties to inform themselves about that area of expertise:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

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

If yes, specify the basis on which admissibility of the evidence is contested:

☐ Legal relevance

☐ Logical relevance

☐ Necessity in assisting trier of fact

☐ Presence of an exclusionary rule

☐ Expert’s qualifications

**(b)** Comments: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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**(c)** Time estimate for voir dire

Evidence: Crown \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Defence \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Argument: Crown \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Defence \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

##### 15 Competency of Witnesses

**(a)** Does the Crown or the defence intend to call any witness who is under the age of 14 years? Yes ☐ No ☐

If yes, specify name of witness and his or her age: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**b)** Does the Crown or the defence intend to challenge the capacity of any witness on the basis of mental capacity? Yes ☐ No ☐

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

##### 16 Manner in Which Evidence to Be Introduced

Does the Crown or the defence seek to have any witness’s evidence introduced?

Yes ☐ No ☐

If yes, specify:

☐ by video link, under section 714.1 or section 714.2 of the Code

☐ by reading in evidence previously taken, under section 715 of the Code

☐ by videotaped evidence, under section 715.1 of the Code

☐ as vulnerable witness, under section 486.2 of the Code

☐ by other means; provide details: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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Does the opposing party consent to the admissibility of the evidence in the manner proposed? Yes ☐ No ☐

If opposed, estimated time for:

Evidence: Crown \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Defence \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Argument: Crown \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Defence \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

##### 17 Order Under Section 486.3 of Code

Will the Crown or any witness apply for an order under section 486.3 of the Code, appointing counsel to cross-examine a witness if the offender is self-represented?

Yes ☐ No ☐

If yes, does the offender oppose the order? Yes ☐ No ☐

##### 18 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 ☐

##### 19 Publication Bans or Deferred Publication Orders

**(a)** Does the Crown seek an order under section 486.4 or 486.5 of the Code banning the publication of the complainant’s identity? Yes ☐ No ☐

If yes, does the defence oppose the order? Yes ☐ No ☐

If opposed, estimated time for:

Evidence: Crown \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Defence \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Argument: Crown \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Defence \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

Crown: Yes ☐ No ☐

Defence: Yes ☐ No ☐

If yes:

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

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

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

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

Evidence: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Argument: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

##### 20 Privilege Issues

Will the Crown be raising issues of privilege? Yes ☐ No ☐

Will the defence be raising issues of privilege? Yes ☐ No ☐

If yes:

**(a)** Specify the nature of the evidence and issue of privilege: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

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**(b)** Specify the basis on which the party seeking admission is relying: \_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

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**(c)** How does the party claiming privilege seek to introduce the evidence on the voir dire?

Viva voce evidence: Yes ☐ No ☐

Agreed statement of fact: Yes ☐ No ☐

Witness statements: Yes ☐ No ☐

Transcripts: Yes ☐ No ☐

**(d)** Does the other party consent to the manner in which the evidence will be introduced on the voir dire?

Yes ☐ No ☐

Comments: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

Evidence: Crown \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Defence \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Argument: Crown \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Defence \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

##### 21 Gladue Considerations

**(a)** Is the offender of Aboriginal heritage? Yes ☐ No ☐

**(b)** Does the Crown or defence anticipate calling any witnesses, introducing any evidence or making any submission in relation to Gladue considerations?

Crown: Yes ☐ No ☐

Defence: Yes ☐ No ☐

If yes, indicate the witnesses to be called and the nature of their evidence and provide time estimates for evidence and argument: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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**(c)** Does the other counsel consent to the admissibility of the evidence? Yes ☐ No ☐

If no, provide the basis of the objection: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

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##### 22 Factual, Evidentiary or Legal Admissions Sought by Crown or Conceded by Defence

Admission Does the defence agree?

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

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

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

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

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

##### 23 Position of Offender in Court

Will there be an application to have the offender sit at counsel table? Yes ☐ No ☐

If yes:

**(a)** Does the Crown consent? Yes ☐ No ☐

If opposed, what is the nature of the evidence relied on? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

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**(b)** Time estimate for voir dire:

Evidence: Crown \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Defence \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Argument: Crown \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Defence \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

##### 24 Interpreters

**(a)** Does the defence 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)** Are two interpreters required? Yes ☐ No ☐

##### 25 Additional Courtroom Equipment Required

**(a)** Elmo projector: Yes ☐ No ☐

**(b)** Television and VCR: Yes ☐ No ☐

**(c)** Television and CD player: Yes ☐ No ☐

**(d)** Television and DVD player: Yes ☐ No ☐

**(e)** Hearing devices: Yes ☐ No ☐

**(f)** Teleconference facilities: Yes ☐ No ☐

**(g)** Other: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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##### 26 Courtroom Security Issues

**(a)** Does any party believe that increased courtroom security issues are raised in this case? Yes ☐ No ☐

If yes, provide details: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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**(b)** Does any party seek an order closing the courtroom to the public under section 486(1) of the Code? Yes ☐ No ☐

If yes, provide details: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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##### 27 Crown’s Position

**(a)** On a dangerous offender application, is the Crown seeking

**(i)** an indeterminate sentence, under paragraph 753(4)(a) of the Code? Yes ☐ No ☐

**(ii)** a determinate sentence followed by a long-term supervision order under paragraph 753(4)(b) of the Code? Yes ☐ No ☐

**(iii)** a determinate sentence under paragraph 753(4)(c) of the Code? Yes ☐ No ☐

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

**(b)** On a long-term offender application, the Crown will seek

**(i)** length of determinate sentence: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**(ii)** length of long-term supervision order: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

##### 28 Corollary Orders Sought by Crown

**(a)** DNA Order: Yes ☐ No ☐

**(b)** section 109 of the Code prohibition: Yes ☐ No ☐ Duration: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**(c)** section 161 of the Code order: Yes ☐ No ☐ Duration: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**(d)** Sex Offender Registry Order: Yes ☐ No ☐

Sex Offender Registry Order: Yes ☐ No ☐

☐ 10 years (paragraph 490.013(2)(a) of the Code — maximum sentence of two to five years)

☐ 20 years (paragraph 490.013(2)(b) of the Code — maximum sentence of 10 to 14 years)

☐ Life (paragraph 490.013(2)(c) or subsection 490.013(3) of the Code — maximum sentence of life or if was bound by previous Sex Offender Information Registration Act order)

##### 29 Time Estimates

Crown estimate for evidence and argument: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Defence estimate for evidence and argument: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

##### 30 Counsel’s Availability (Including Expert Witnesses)

Crown: (dates) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Defence: (dates) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*NOTE:*

***1*** *This Form must be completed in full in all cases and be signed by the assigned prosecutor or a prosecutor authorized to bind the Crown, and by counsel for the offender or, if self-represented, the offender, before the first judicial pre-hearing conference, unless otherwise ordered or unless the offender will be consenting to the application.*

***2*** *Each party is encouraged to discuss the issues to be addressed at the pre-hearing conference in advance of the conference.*

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

***4*** *The prosecutor must file this Form and serve it on defence counsel or, if self-represented, the offender, at least 14 days before the pre-trial conference. Defence counsel or the self-represented offender must file and serve their report on the prosecutor at least seven days before the pre-trial 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, counsel or the self-represented offender should complete the Form to the extent possible.*

***5*** *If any party changes the position taken on this Form, they must provide written notice to the other party and to the Court of the change in position.*