Supreme	Court	Øf	Bermuda
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PRE-TRIAL AND CASE MANAGEMENT HEARINGS

**CRIMINAL PROCEDURE RULES 2013** 



DISCLOSURE AND CRIMINAL REFORM ACT 2015

CRIMINAL CODE ACT 1907

## PRACTICE DIRECTION FORM 1 (issued by the Registrar 27 January 2017) <u>PROSECUTION DISCLOSURE NOTICE</u> GUIDANCE NOTES UNDER PRACTICE DIRECTION No. 3 of 2017

MUST BE READ THOROUGHLY PRIOR TO COMPLETION OF THIS FORM

THE KING <b>v</b>						
Indictment No.	of 20					
DATE SENT FROM THE MAGISTRATES' COURT TO THE SUPREME COURT:	DATE OF FIRST APPEARANCE IN THE SUPREME COURT:					
DAYOF20	DAYOF20					
DATE ARRAIGNED (if plea(s) entered):						
DAYOF20						
PROSECUTION COUNSEL:	DEFENCE COUNSEL:					
SECTION 3 DISCLOSURE AND CRIMINAL REFORM ACT 2015						
USED MA	ATERIAL					
<b>1</b> Was the Defence served with a <b>written summary</b> of the Prosecution's case?	<b>2</b> Was the Defence served with a copy of the <b>Information</b> ?					
YES NO	YES NO					
3 Was the Defence served with copies of all <b>witness</b> statements?	<b>4</b> Was the Defence served with copies of all video and audio <b>recordings of witness interviews</b> ?					
YES NO	YES N/A NO					
<b>5</b> Was the Defence served with all <b>expert reports</b> ?	6 Was the Defence served with copies of all maps, charts or other <b>visual aids</b> for trial?					
YES N/A NO	YES N/A NO					
7 Was the Defence served with copies of all recordings of inculpatory or mixed <b>statements of the</b> <b>Accused</b> ?	8 Was the Defence served with copies of all <b>transcripts</b> for statements described in 7?					
YES N/A NO	YES N/A NO					
WHERE THE REPLY TO ANY OF THE ABOVE QUESTIONS IS 'NO', THE PROSECUTOR MUST APPLY TO THE COURT UNDER SECTION 30 OF THE CRIMINAL JURISDICTION AND PROCEDURE ACT 2015 FOR AN ORDER ALLOWING AN EXTENSION OF TIME.						
GUIDANCE NOTES UNDER PRACTICE DIRECTION No. 3 of 2017 MUST BE READ THOROUGHLY PRIOR TO COMPLETION OF THIS FORM						

SECTION 4 DISCLOSURE AND CRIMINAL REFORM ACT 2015					
RELEVANT UNI	JSED MATERIAL				
<b>9</b> Was the Defence served with <b>all relevant unused</b> <b>material</b> in possession of the Bermuda Police Service and the Director of Public Prosecution's office?	10 Does the Prosecutor assert there is <b>no unused</b> <b>material in existence</b> ?				
YES NO	YES NO				
<b>11</b> Was the Defence served with all written, video and audio recorded <b>witness statements</b> obtained by the Crown?	<b>12</b> Was the Defence served with copies of all <b>Accused</b> <b>statements</b> (including exculpatory and no comment)?				
YES NO	YES N/A NO				
13 Was the Defence served with all unused expert reports and related notes?	<b>14</b> Was the Defence served with all <b>police notes</b> ?				
YES N/A NO	YES N/A NO				
<b>15</b> Was the Defence served with all <b>custody records</b> in in this case or in connection to this case?	<b>16</b> Was the Defence served with all <b>search reports</b> in this case or in connection to this case?				
YES N/A NO	YES N/A NO				
<b>17</b> Was the Defence served with all <b>warrants</b> obtained in this case or in connection to this case?	<b>18</b> Was the Defence served with all <b>underlying</b> <b>warrant documents</b> in this case or in connection to this case?				
YES N/A NO	YES N/A NO				
<b>19</b> Was the Defence served with copies of any and all existing <b>police disciplinary records</b> for police officers involved or connected to the case?	<b>20</b> Was the Defence served with copies of any and all existing <b>antecedent records</b> for <b>civilian witnesses</b> involved or connected to the case?				
YES N/A NO	YES N/A NO				
<b>21</b> Has the Crown been made aware of any history of <b>mental illnesses or psychological disorders</b> in respect of all the Crown witnesses involved or connected to the case?	<b>21A</b> If YES to <b>21</b> , has the Prosecutor made the Defence aware of any such known history of <b>mental</b> <b>illnesses or psychological disorders?</b>				
YES N/A NO	YES N/A NO				
22 Did the Prosecution contact the Defence to <b>explain t</b> a <b>timeframe</b> within which disclosure would be made	<b>he non-disclosure</b> of any outstanding items and <b>state</b> ?				
YES N/A	NO				
	TEREST APPLICATION				
23 Has the Prosecutor filed a Public Interest application under section 8 of DCRA?	<b>23A</b> If YES to <b>23</b> , has the Prosecutor given notice of the application to the Defence?				
YES N/A	YES N/A				
24 Does the Prosecutor intend to file a Public Interest application under section 8 of DCRA?	<b>24A</b> If YES to <b>24</b> , what is the nature of the undisclosed evidence?				
YES N/A					

NOTICE OF APPLICATION FOR EXTENSION OF TIME				
<b>25</b> Does the Prosecution intend to make an application for an extension of a time for service of documents under section 30 of CJPA?	<b>26</b> If YES to <b>25</b> , is the material, which is the subject of the application, in the custody of the DPP's office?			
YES NO	YES N/A NO			
<b>27</b> If YES to <b>25</b> , is the material, which is the subject of the application, in the custody of the Bermuda Police Service?	28 If YES to 25, is the material, which is the subject of the application, in an overseas location?			
YES N/A NO	YES N/A NO			

**29** If YES to **25**, reasons/grounds and the particulars of further evidence to be served should be either printed in block capitals below or in a separate document annexed to this Form.

NOTICE OF JOINDER OF	CHAR	GES APPLICATION
30	31	
Does the Prosecutor intend to make an application		<b>30</b> , has the Prosecutor made the Defence
to join the charges on this Indictment to any other		he intended joinder application?
charges already before the Court (or not yet before		
the Court?)		
YES NO	YES	N/A NO
32 NO	1 E 3	N/A NO
If YES to <b>30</b> , state the names of any other persons joined as Defendants to this Indictment if the joinder		
N/A <b>33</b> If YES to <b>30</b> , state the names of any witnesses who	 ose evidenc	e will be relied on to support the joinder
application:	Jse evidence	e win be rened on to support the joinder
A. A.		
N/A		
GUIDANCE NOTES UNDER PRA	CTICE DIRE	CCTION No. 3 OF 2017
MUST BE READ THOROUGHLY PR		
THIS FORM MUST BE FILED AND SERVE THE DATE ON WHICH THE ACCUSED W		
PROSECUTOR'S CALCUATION OF 70 DAYS FROM DA	TE ACCUSE	ED SENT FROM MAGISTRATES' COURT:
DAY OF		20
PROSECUTOR'S NAME PRINTED:		
PROSECUTOR'S SIGNATURE:		

**REGISTRY DATE FILING STAMP SHOULD BE PLACED HERE:**