

**Form 17**  
**PRE-TRIAL CONFERENCE REPORT**

*(Criminal Code, s. 625.1, Criminal Proceedings Rules, Rule 28)*

ONTARIO  
SUPERIOR COURT OF JUSTICE

Court File No. (if known)

Region

- 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-hearing 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. The Crown must complete this form and fax, email or deliver it to the Defence counsel of record, or where there is no counsel of record, to the accused, not later than 10 days before the date scheduled for the pre-hearing conference, case supervision conference or case management conference.  
  
When the Crown and the Defence will be filing separate pre-trial conference reports, the Crown must fax or deliver to the Superior Court trial office a hard copy of the Crown's report 10 days before the date scheduled for the pre-trial conference, case supervision conference or case management conference; the Defence must fax or deliver to the Superior Court trial office a hard copy of the Defence report five days before the date scheduled for the pre-trial conference, case supervision conference or case management conference.  
  
When the Crown and Defence will jointly file a pre-trial conference report, the report must be faxed or delivered in hard copy to the Superior Court trial office 5 days before the date scheduled for the pre-trial conference, case supervision conference or case management conference.
  5. If any party changes the position taken on this form, which will be provided to the trial judge, they must provide written notice to the other party and the Superior Court Trial Office of the change in position, in addition to any notice required by the Rules of Court. If counsel have not indicated an application will be brought, the presumption is that it will not be heard. The failure to notify the other side and the Trial Office 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 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.

**REGINA**

- 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

**Charges:** \_\_\_\_\_

**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**

☐ Length: \_\_\_\_\_ ☐ Waived

**Discovery:**

☐ Length: \_\_\_\_\_

Transcript(s) available: ☐ Yes ☐ No Date ordered: \_\_\_\_\_

**4. Disclosure**

Complete: ☐ Yes ☐ No

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

**5. Mode of trial**

Current Election: ☐ Judge and jury ☐ Judge alone

- (a) Will there be a re-election to be tried by: ☐ Judge and jury ☐ Judge alone
- (b) Is there any prospect of a re-election? ☐ Yes ☐ No
- (c) Will the Crown consent? ☐ Yes ☐ No
- (d) Additional comments regarding re-elections:

(e) Challenge for cause: ☐ Yes ☐ No

(i) *Parks* ☐ Yes ☐ No

(ii) Publicity ☐ Yes ☐ No

(iii) Other (please specify): \_\_\_\_\_

(iv) Will there be an application by the accused under s. 640 (2.1) for an order excluding all sworn and unsworn jurors until the jury is selected, and that the same two triers be appointed for all challenges?

☐ Yes ☐ No

- (v) Will there be an application by the accused for any other form of exclusion order, or in relation to the triers, not relying on s. 640 (2.1)?

☐ Yes ☐ No

- (vi) Does the Crown consent to the applications noted above?

☐ Yes ☐ No

- (vii) Will there be an application for the judge to direct that 13 or 14 jurors be sworn under s. 631(2.2)?

Crown: ☐ Yes ☐ No

Defence: ☐ Yes ☐ No

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

☐ Yes ☐ No

- (ix) 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 ☐ No

Defence: ☐ Yes ☐ No

- (f) Does the accused have or seek an order under s. 530 that his/her trial be held in French or as a bilingual trial?

☐ Yes ☐ No

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

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

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

☐ N/A

## 6. Pre-trial motions on the Indictment

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

**CROWN PRE-TRIAL APPLICATIONS**

☐ N/A

**7. 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 dispute admissibility? ☐ Yes ☐ No

(f) Brief summary of Defence position:

---

---

(g) Form of statement: ☐ Oral ☐ Written ☐ Audiotaped ☐ Videotaped

(h) If the statement is audio or video taped, 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 to be made available: \_\_\_\_\_

(k) Length of statement(s): \_\_\_\_\_

(l) *Voir dire* required? ☐ Yes ☐ No

(m) *Voir dire* issues:

recipient as a person in authority ☐ Yes ☐ No

voluntariness ☐ Yes ☐ No

*Charter*, s. 10 (a) ☐ Yes ☐ No

*Charter*, s. 10 (b) ☐ Yes ☐ No

*Charter*, s. 7 ☐ Yes ☐ No

(n) Number of witnesses to be called on *voir dire*: Crown \_\_\_\_\_ Defence \_\_\_\_\_

(o) Time estimate for *voir dire*: Evidence Argument

Crown \_\_\_\_\_ Crown \_\_\_\_\_

Defence \_\_\_\_\_ Defence \_\_\_\_\_

(p) If there is more than one issue, do counsel agree that a blended *voir dire* is appropriate?

Crown ☐ Yes ☐ No      Defence ☐ Yes ☐ No

☐ N/A

**8. 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 a pre-trial application?

☐ 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 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

- (g) Does the Defence consent to the manner in which the Crown seeks to introduce the evidence on the *voir dire*?

☐ Yes      ☐ No

- (h) Comments:

---

---

- (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 *voir dire*:      Evidence      Argument

Crown \_\_\_\_\_ Crown \_\_\_\_\_

Defenc \_\_\_\_\_

☐ N/A

### 9.1 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):

---

---

- (d) Does the Defence contest admissibility? ☐ 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) Comments:

---

---

- (h) Time estimate for *voir dire*: Evidence Argument

Crown \_\_\_\_\_ Crown \_\_\_\_\_

Defence \_\_\_\_\_ Defence \_\_\_\_\_

☐ N/A

## 9.2 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 ☐ 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) Comments:

---

---

---

(h) Time estimate for *voir dire*:

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

☐ N/A

**10. 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) Comments:

---

---

---

(g) Time estimate for *voir dire*:

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

☐ N/A

**11. 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 <i>voir dire</i> :	<u>Evidence</u>	<u>Argument</u>
	Crown <hr/>	Crown <hr/>
	Defence <hr/>	Defence <hr/>

☐ N/A

**12. Other legal issues requiring rulings anticipated by the Crown:**

(a) 

---

(b) 

---

(c) 

---

(d) Time estimate for <i>voir dire</i> :	<u>Evidence</u>	<u>Argument</u>
	Crown <hr/>	Crown <hr/>
	Defence <hr/>	Defence <hr/>

☐ N/A

**13. 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:

---

---

---

---



(d) Time estimate for voir dire:

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

☐ N/A

**14. 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, under s. 714.1 or 714.2?                     | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (ii) by reading in evidence previously taken under s. 715?      | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (iii) by videotaped evidence, under s. 715.1?                   | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (iv) by closed circuit link or behind a screen, under s. 486.2? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (v) other means? Details: _____                                 |                              |                             |

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

☐ Yes    ☐ No

(c) Will the Crown or any witness under the age of 18 apply for an order under s. 486.3, appointing counsel to cross-examine the witness, if the accused is not represented by counsel?

☐ Yes    ☐ No

(d) Does the accused oppose the order?    ☐ Yes    ☐ No

(e) If opposed, estimated time for:

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

☐ N/A

**15. Support person**

(a) Will any Crown witness require a support person, under s. 486.1(1)?

☐ Yes    ☐ No

(b) Details: \_\_\_\_\_

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

☐ Yes    ☐ No

(d) Details: \_\_\_\_\_

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

(f) If opposed, estimated time for:

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

☐ N/A

**16. Publication Bans/Deferred Publication Orders**

(a) Does the Crown seek an order under s. 486.4 or 486.5, banning the publication of the complainant's identity?

☐ Yes    ☐ No

(b) Does the Defence oppose the order?    ☐ Yes    ☐ No

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

Crown ☐ Yes ☐ No

Defence ☐ Yes ☐ No

(d) If yes, provide details of order sought, media to be notified, timing of hearing, time estimate for hearing:

---

---

---

---

---

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

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

Crown \_\_\_\_\_ Crown \_\_\_\_\_

Defence \_\_\_\_\_ Defence \_\_\_\_\_

☐ N/A

#### 17. 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 statements of fact ☐ 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) Time estimate for *voir dire*: Evidence Argument

Crown \_\_\_\_\_ Crown \_\_\_\_\_

Defence \_\_\_\_\_

DEFENCE PRE-TRIAL APPLICATIONS

☐ N/A

18. Challenge to Legislation

(a) Specifics of challenge:

---

---

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

(c) Time estimate for *voir dire*: Evidence Argument

Crown \_\_\_\_\_ Crown \_\_\_\_\_  
Defence \_\_\_\_\_ Defence \_\_\_\_\_

☐ N/A

19. Applications to stay proceedings based upon:

- (a) ☐ Abuse of process (b) ☐ Charter breach, s. 7  
(c) ☐ Charter breach, s. 11(b) (d) ☐ Entrapment (after finding of guilt)  
(e) ☐ Other:

(f) Overview of Defence position:

---

---

(g) Overview of Crown position:

---

---

(h) Time estimate for *voir dire*: Evidence Argument

Crown \_\_\_\_\_ Crown \_\_\_\_\_  
Defence \_\_\_\_\_ Defence \_\_\_\_\_

☐ N/A

20. Applications to exclude evidence based upon *Charter*, s. 24(2) alleging breaches of:

- (a) ☐ *Charter*, s. 7  
☐ *Charter*, s. 8 ☐ warrantless search ☐ search warrant ☐ order ☐ authorization  
Issue: ☐ 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) Crowns position(s) regarding nature of breach and evidence sought to be excluded:

(i) Appl. #1: \_\_\_\_\_

(ii) Appl. #2: \_\_\_\_\_

(iii) Appl. #3: \_\_\_\_\_

(d) Do all counsel agree the applications can be heard in a combined *voir dire*? ☐ Yes ☐ No

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

(e) Time estimate for *voir dire*:

Evidence

Argument

Crown \_\_\_\_\_

Crown \_\_\_\_\_

Defence \_\_\_\_\_

Defence \_\_\_\_\_

☐ N/A

## 21. Third party records applications

By Defence: ☐ Yes ☐ No

By Crown: ☐ Yes ☐ No

(a) Relying upon: *Mills, s. 278.2* ☐ Yes ☐ No

*O'Connor* ☐ Yes ☐ No

(b) Nature of records:

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

(c) Position of other party:

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

(d) Should the application be heard in advance of the trial date? ☐ Yes ☐ No

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

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

(e) Time estimate for *voir dire*:

Evidence

Argument

Crown \_\_\_\_\_

Crown \_\_\_\_\_

Defence \_\_\_\_\_

Defence \_\_\_\_\_

☐ N/A

**22. Evidence of the complainant's prior sexual activity – s. 276**

(a) Nature of evidence:

---

---

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

(c) How does the Defence proposed to introduce evidence on *voir dire*?

(i) *Viva voce* evidence ☐ Yes ☐ No

(ii) Agreed statements of facts ☐ Yes ☐ No

(iii) Witness statement ☐ Yes ☐ No

(iv) Other: 

---

(d) Does the Crown consent to the manner in which evidence is proposed to be called?

	<u>Evidence</u>	<u>Argument</u>
(e) Time estimate for <i>voir dire</i> :		
	Crown <hr/>	Crown <hr/>
	Defence <hr/>	Defence <hr/>

☐ N/A

**23. 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 *voir dire*?

(i) *Viva voce* evidence ☐ Yes ☐ No

(ii) Agreed statements of facts ☐ Yes ☐ No

(iii) Witness statement ☐ Yes ☐ No

(iv) Other: 

---

(d) Time estimate for *voir dire*:

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

☐ N/A

**24. Character of victim**

(a) Nature of evidence:

---

---

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

(c) Time estimate for *voir dire*: Evidence Argument

Crown \_\_\_\_\_ Crown \_\_\_\_\_

Defence \_\_\_\_\_ Defence \_\_\_\_\_

☐ N/A

**25. Other Legal issues requiring rulings anticipated by the Defence**

(a) \_\_\_\_\_

(b) \_\_\_\_\_

(c) \_\_\_\_\_

(d) Time estimate for *voir dire*: Evidence Argument

Crown \_\_\_\_\_ Crown \_\_\_\_\_

Defence \_\_\_\_\_ Defence \_\_\_\_\_

**26. Expert witnesses**

☐ N/A

**26.1. 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:

- ☐ legal relevance
- ☐ logical relevance
- ☐ necessity in assisting trier of fact
- ☐ absence of an exclusionary rule
- ☐ expert's qualifications

(f) Comments:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(g) Time estimate for *voir dire*: Evidence Argument

Crown \_\_\_\_\_ Crown \_\_\_\_\_

Defence \_\_\_\_\_

☐ N/A

**26.2 Defence witnesses**

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

(b) Field(s) 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:

- ☐ legal relevance  
☐ logical relevance  
☐ necessity in assisting trier of fact  
☐ absence of an exclusionary rule  
☐ expert's qualifications

(f) Comments:

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

(g) Time estimate for *voir dire*:

	<u>Evidence</u>	<u>Argument</u>
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

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

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

(d) Time estimate for *voir dire*:

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

☐ N/A

**28. Absence of accused from court**

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

☐ Yes ☐ No

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

---

---

---

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

(d) Comments:

---

---

---

☐ N/A

**29. 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 \_\_\_\_\_

☐ N/A

**30. 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) Comments:

---

---

---

☐ N/A

**31. 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: \_\_\_\_\_  
\_\_\_\_\_

☐ N/A

**32. Courtroom security issues**

- (a) Does any party believe that increased courtroom security issues are raised in this case?  
☐ Yes ☐ No
- (b) Does either party seek an order closing the courtroom to the public, under s. 486(1)?  
☐ Yes ☐ No
- (c) Details: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

☐ N/A

**33. Other potential legal issues**

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

**34. Is it reasonably anticipated that any of the following defences/triable issues will be raised?**

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

**35. Non-contentious issues**

- |                         | <b>Admitted</b>          | <b>Not contested</b>     |
|-------------------------|--------------------------|--------------------------|
| 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"/>

☐ N/A

**36. 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

☐ N/A

**37. Affidavit or certificate evidence**

(a) Does the Crown intend to file affidavit or certificate evidence? ☐ Yes ☐ No

(b) If so, please specify:

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

(c) Will the Defence seek leave to have the witness testify? ☐ Yes ☐ No

(d) Time estimate for *voir dire*:

Evidence

Argument

Crown _____	Crown _____
Defence _____	_____

☐ N/A

**38. Case management judge**

(a) Will there be an application for the appointment of a case management judge, under s. 551.1?

By the Crown ☐ Yes ☐ No

By the Defence ☐ 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?

By the Crown ☐ Yes ☐ No

By the Defence ☐ Yes ☐ No

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

---

---

---

**39. 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?

---

---

---

(d) Does the Defence submit any offences are included in the count(s) in the indictment?

---

---

---

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

---

---

---

**40. Time estimates**

- (a) Anticipated number of Crown witnesses: \_\_\_\_\_
- (b) Crown estimate for *voir dire*s: Evidence \_\_\_\_\_ Argument \_\_\_\_\_
- (c) Crown time estimate for trial: \_\_\_\_\_
- (d) Defence time estimate for *voir dire*s: Evidence \_\_\_\_\_ Argument \_\_\_\_\_
- (e) Defence time estimate for trial: \_\_\_\_\_
- (f) If there are multiple pre-trial applications, can they be heard at the same time? ☐ Yes ☐ No
- (g) If not, what is the order in which they should be heard?

---

---

---

**Counsel - Crown**

Dated \_\_\_\_\_ Signed \_\_\_\_\_

**Counsel - Defence**

Dated \_\_\_\_\_ Signed \_\_\_\_\_

**This page is to be removed before the form is provided to the trial judge**

**Accused :** \_\_\_\_\_

**Corbett application:**

What is the accused's criminal record?

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

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

**Sentence position:**

Crown position on sentence on plea(s) of guilty before trial based upon information currently known to the Crown:

Plea(s) on which counts: \_\_\_\_\_  
\_\_\_\_\_

Sentence: \_\_\_\_\_  
\_\_\_\_\_

Is the Crown's position based on a joint submission? ☐ Yes ☐ No

Is the Crown's position in addition to, or subject to reduction, for pre-trial custody?

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

**Corollary orders sought by Crown:**

1. ☐ DNA Order
2. ☐ s. 109 prohibition, duration: \_\_\_\_\_
3. ☐ s. 161 order, duration: \_\_\_\_\_ , delayed parole: \_\_\_\_\_
4. Special conditions on probation: \_\_\_\_\_
5. ☐ s. 259 Driving Prohibition, duration: \_\_\_\_\_
6. ☐ Sex Offender Registry order, duration: \_\_\_\_\_
7. ☐ s. 743.21 Non-Communication Order

Crown's position on sentence after trial based upon information currently known to the Crown:

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