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| Form 23 | | | | | | | | | | | | | | | | | | | | | | | | | |
| PRE-HEARING CONFERENCE REPORT FOR CROWN APPLICATIONS | | | | | | | | | | | | | | | | | | | | | | | | | |
| ONTARIO  SUPERIOR COURT OF JUSTICE | | | | | | | | |  | (Pursuant to Part XXIV)  (*Criminal Code*, s. 625.1and *Criminal Proceedings Rules*, Rule 35) | | | | | | | | | | | | |  | |  |
|  |  | |
|  | | | | | | | | | 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 offender, before the first judicial pre-hearing conference, unless otherwise ordered, or unless the offender will definitely be consenting to the application.** | | | | | | | | | | | | | | | | | | | | |
|  | | | | **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 deliver it to defence counsel of record and the Superior Court Trial Office, not later than 10 days before the date scheduled for the pre-hearing conference. Defence counsel must deliver their report to the Crown Attorney and the Superior Court Trial Office not later than 5 days before the date scheduled for the pre-hearing conference, 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.** | | | | | | | | | | | | | | | | | | | | |
|  | | | | **5.** | **If any party changes the position taken on this form, which will be provided to the application 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.** | | | | | | | | | | | | | | | | | | | | |
| BETWEEN: | | | | | | | | | | | | | | | | | | | | | | | | | |
| **HIS MAJESTY THE KING** | | | | | | | | | | | | | | | | | | | | | | | | | |
| **- and -** | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | | **Crown Report, prepared by:** | | | | | | | | |  | | | | | | | | | | | | | | |
|  | | **Defence Report, prepared by:** | | | | | | | | | |  | | | | | | | | | | | | | |
| **Have counsel discussed the issues raised in this form?** | | | | | | | | | | | | | | |  | **Yes** | |  | | | No | | | | |
| ASSESSMENT PHASE | | | | | | | | | | | | | | | | | | | | | | | | | |
| **1.** | **Chronology** | | | | | | | | | | | | |  | | | | | | | | | | | |
|  | a) | | Date(s) of Offence(s): | | | | |  | | | | | | | | | | | | | | | | | |
|  | b) | | Date of Arrest: | | |  | | | | | | | | | | | | | | | | | | | |
|  | c) | | Date of Conviction: | | | |  | | | | | | | | | | | | | | | | | | |
| 2. | Form of Judicial Interim Release | | | | | | | | | | | | | | | | | | | | | | | | |
|  | a) | | Is the offender detained in custody on this/these charges? | | | | | | | | | | | | | |  | | Yes | | |  | | No | |
|  | b) | | Is the offender detained in custody on any other charges? | | | | | | | | | | | | | |  | | Yes | | |  | | No | |
| 3. | **Offences upon which the offender has been convicted or will be pleading guilty to:** | | | | | | | | | | | | | | | | | | | | | | | | |
|  |  | | | | | | | | | | | | | | | | | | | | | | | | |

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| Page 2 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| PRE-HEARING CONFERENCE REPORT FOR CROWN APPLICATIONS | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| (Pursuant to Part XXIV) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| (*Criminal Code*, s. 625.1and *Criminal Proceedings Rules*, Rule 35) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 4. | Trial Judge: | | | | | | |  | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | Do counsel anticipate any problem arising if the Court were to assign a judge other than the trial judge to hear the Dangerous or Long-Term Offender Application? | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | Crown: | | | | | |  | | Yes |  | | No | | | | | | Defence: | | | | | |  | | | Yes | | |  | | No | | | | | | | | | |
|  | If yes, please specify: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  |  | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 5. | Upon which section(s) does the Crown rely in seeking a Part XXIV order? | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  |  | | s. 753(1)(a)(i) | | | | | | | |  | | s. 753(1)(a)(ii) | | | | | | |  | s. 753(1)(a)(iii) | | | | | | | | | | | | |  | | | s. 753(1)(b) | | | | |
|  |  | | s. 753.1(1)(a) | | | | | | | |  | | s. 753.1(1)(b) | | | | | | |  | s. 753.1(1)(c) | | | | | | | | | | | | |  | | |  | | | | |
|  |  | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 6. | Section 752.1 Assessment | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | a) | Does the offender consent to the order? | | | | | | | | | | | | | | |  | | Yes | | |  | No | | | | | | | | | | | | | | | | | | |
|  | b) | If order opposed, the basis on which it is opposed is: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  |  |  | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | c) | Does either party intend to call evidence on the application? | | | | | | | | | | | | | | | | | | | | | | |  | | | Yes | | |  | | | | No | | | | | | |
|  | d) | If yes, outline the witnesses, the anticipated evidence and provide time estimates for evidence and argument: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  |  |  | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | e) | Have counsel discussed the material to be provided to the doctor preparing the assessment? | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |  | Yes |  | No |
|  |  | i) | | If there are issues please set out the contentious material: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  |  |  | |  | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 7. | Time Estimates | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | Crown estimate for evidence and argument: | | | | | | | | | | | | | |  | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | Defence estimate for evidence and argument: | | | | | | | | | | | | | | |  | | | | | | | | | | | | | | | | | | | | | | | | | |
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| APPLICATION PHASE | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 8. | Attorney General’s Consent | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | a) | Has the Crown received the Attorney General’s consent? | | | | | | | | | | | | | | | | | | | | | | | |  | | | Yes | | | |  | | | No | | | | | |
|  | b) | If no, when is the response expected? | | | | | | | | | | | |  | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | c) | Is the consent to proceed with a: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  |  | i) | | |  | Dangerous Offender application | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  |  | ii) | | |  | Long Term Offender application | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

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| Page 3 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| PRE-HEARING CONFERENCE REPORT FOR CROWN APPLICATIONS | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| (Pursuant to Part XXIV) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| (*Criminal Code*, s. 625.1and *Criminal Proceedings Rules*, Rule 35) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| **9.** | Evidentiary Basis upon which the application will be based | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | a) | Current conviction(s): synopsis to be attached to Crown form | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  |  | i) | If the trial was before a judge and jury, will either party request a hearing pursuant to s. 724 regarding the factual conclusions? | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  |  |  | Crown | | | | |  | | Yes | | | | |  | No | | | | | | | Defence | | | | |  | | | Yes | | |  | | | No |
|  |  |  | If yes, time estimates for submissions: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  |  |  | Crown: | |  | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  |  |  | Defence: | | |  | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | b) | Prior convictions: | | | | | | | | | |  | | Yes | | |  | No | | | | | | | | | | | | | | | | | | | |
|  |  | i) | If yes, list offence(s), date(s), whether trial or guilty plea, sentence(s) and attach a synopsis or brief summary of the offence(s): | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  |  |  |  | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  |  | ii) | Does the defence contest the admissibility of the evidence? | | | | | | | | | | | | | | | | | | | | | | | |  | | | Yes | | |  | | | No | |
|  |  | iii) | If yes, on what basis does the defence dispute admissibility? | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  |  |  |  | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  |  | iv) | How will the Crown seek to introduce the evidence of the prior conviction(s)? | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  |  |  |  | Transcripts | | | | | | |  | | Oral testimony | | | | | | |  | | Court records | | | | | | | | | | | | | | | |
|  |  |  | Otherwise, please specify: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  |  |  |  | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  |  | v) | If the evidence is admissible, does the defence dispute the method by which the Crown seeks to introduce the evidence? | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  |  |  |  | Yes | | |  | | No | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  |  |  | Comments: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  |  |  |  | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | c) | Prior uncharged offences or other conduct: | | | | | | | | | | | | | | | | |  | | Yes | | |  | No | | | | | | | | | | | | |
|  |  | i) | If yes, list incident(s), date(s), and attach a synopsis or brief summary of the incident(s): | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  |  |  |  | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  |  | ii) | Does the defence contest the admissibility of the evidence? | | | | | | | | | | | | | | | | | | | | | | |  | | | Yes | | |  | | | No | | |
|  |  | iii) | If yes, on what basis does the defence dispute admissibility? | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  |  |  |  | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  |  | iv) | How will the Crown seek to introduce the evidence of the prior uncharged offences or other conduct? | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  |  |  |  | Transcripts | | | | | | |  | | Oral testimony | | | | | | |  | | Court records | | | | | | | | | | | | | | | |
|  |  |  | Otherwise, please specify: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| Page 4 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| PRE-HEARING CONFERENCE REPORT FOR CROWN APPLICATIONS | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| (Pursuant to Part XXIV) | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| (*Criminal Code*, s. 625.1and *Criminal Proceedings Rules*, Rule 35) | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  |  | v) | If the evidence is admissible, does the defence dispute the method by which the Crown seeks to introduce the evidence? | | | | | | | | | | | | | | | | | | | | | | | | | |
|  |  |  |  | Yes | | |  | No | | | | | | | | | | | | | | | | | | | | |
|  |  |  | Comments: | | | | | | | | | | | | | | | | | | | | | | | | | |
|  |  |  |  | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | d) | Other: | | |  | Yes | | |  | | No | | | | | | | | | | | | | | | | | |
|  |  | i) | If yes, attach a synopsis or brief summary of the evidence: | | | | | | | | | | | | | | | | | | | | | | | | | |
|  |  |  |  | | | | | | | | | | | | | | | | | | | | | | | | | |
|  |  | ii) | Does the defence contest the admissibility of the evidence? | | | | | | | | | | | | | | | |  | Yes | | |  | No | | | | |
|  |  | iii) | If yes, on what basis does the defence dispute admissibility? | | | | | | | | | | | | | | | | | | | | | | | | | |
|  |  |  |  | | | | | | | | | | | | | | | | | | | | | | | | | |
|  |  | iv) | How will the Crown seek to introduce the evidence? | | | | | | | | | | | | | | | | | | | | | | | | | |
|  |  |  |  | Transcripts | | | | | |  | | Oral testimony |  | | Court records | | | | | | | | | | | | | |
|  |  |  | Otherwise, please specify: | | | | | | | | | | | | | | | | | | | | | | | | | |
|  |  |  |  | | | | | | | | | | | | | | | | | | | | | | | | | |
|  |  | v) | If the evidence is admissible, does the defence dispute the method by which the Crown seeks to introduce the evidence? | | | | | | | | | | | | | | | | | | | | | | | | | |
|  |  |  |  | Yes | | |  | No | | | | | | | | | | | | | | | | | | | | |
|  |  |  | Comments: | | | | | | | | | | | | | | | | | | | | | | | | | |
|  |  |  |  | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | 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: | | | | | | | | | | | | | | | | | | | | | | | | | |
|  |  |  |  | | | | | | | | | | | | | | | | | | | | | | | | | |
|  |  | iv) | Field(s) of expertise: | | | | | | | | | | | | | | | | | | | | | | | | | |
|  |  |  |  | | | | | | | | | | | | | | | | | | | | | | | | | |
|  |  | v) | Issues upon which the evidence will be introduced: | | | | | | | | | | | | | | | | | | | | | | | | | |
|  |  |  |  | | | | | | | | | | | | | | | | | | | | | | | | | |
|  |  | vi) | Basis upon which admissibility of evidence contested: | | | | | | | | | | | | | | | | | | | | | | | | | |
|  |  |  |  | legal relevance | | | | | | | | | |  | | presence of an exclusionary rule | | | | | | | | | | | | |
|  |  |  |  | logical relevance | | | | | | | | | |  | | expert`s qualifications | | | | | | | | | | | | |
|  |  |  |  | necessity in assisting trier of fact | | | | | | | | | |  | |  | | | | | | | | | | | | |

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| Page 5 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| PRE-HEARING CONFERENCE REPORT FOR CROWN APPLICATIONS | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| (Pursuant to Part XXIV) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| (*Criminal Code*, s. 625.1and *Criminal Proceedings Rules*, Rule 35) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  |  | | vii) | | Comments: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  |  | |  | |  | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  |  | | viii) | | | Time estimate for *voir dire*: | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  |  | |  | | | **Evidence** | | | | | | | | | | | | | | | |  | | |  | | **Argument** | | | | | | | |
|  |  | |  | | | Crown | |  | | | | | | | | | | | | | |  | | | | | Crown | | |  | | | | |
|  |  | |  | | | Defence | | | |  | | | | | | | | | | | |  | | | | | Defence | | | |  | | | |
| 10. | | Disclosure: Complete? | | | | | | | | | | |  | | | Yes | | |  | | | | No | | | | | | | | | | | |
|  | | a) | | Outstanding issues: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | |  | |  | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | | b) | | Lost/destroyed: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | |  | |  | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | | c) | | Withheld/delayed: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | |  | |  | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | | d) | | How are the outstanding issues to be addressed and by what date? | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | |  | |  | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 11. | | a) | | Third Party Records Applications: | | | | | | | | | |  | | | Yes | | |  | | | | | | No | | | | | | | | |
|  | |  | | i) | | | Relying upon: | | | | | *Mills*, s. 278.2 | | |  | | | Yes | | |  | | | | | | | No | | | | | | |
|  | |  | |  | | |  | | | | | *O’Connor* | | |  | | | Yes | | |  | | | | | | | No | | | | | | |
|  | |  | | ii) | | | Nature of Records: | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | |  | |  | | |  | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | |  | | iii) | | | Time estimate for *voir dire*: | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | |  | |  | | | **Evidence** | | | | | | | | | | | | | | | | |  | | | **Argument** | | | | | | | |
|  | |  | |  | | | Crown | |  | | | | | | | | | | | | | | |  | | | Crown | | |  | | | | |
|  | |  | |  | | | Defence | | | |  | | | | | | | | | | | | |  | | | Defence | | | |  | | | |
|  | |  | | iv) | | | How long prior to trial does the applicant propose the motion be heard? | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | |  | |  | | |  | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | | 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: | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | |  | |  | | |  | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | |  | | iii) | | | Issues upon which the records will be introduced: | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | |  | |  | | |  | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | |  | | iv) | | | Does the defence contest the admissibility of the records? | | | | | | | | | | | | | | | | | | | | | |  | | | Yes |  | No |

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| Page 6 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| PRE-HEARING CONFERENCE REPORT FOR CROWN APPLICATIONS | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| (Pursuant to Part XXIV) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| (*Criminal Code*, s. 625.1and *Criminal Proceedings Rules*, Rule 35) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | |  | | v) | | | If yes, on what basis does the defence dispute admissibility? | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | |  | |  | | |  | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 12. | *Charter* Applications | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | a) | | Does the offender intend to bring any *Charter* application that has not been addressed above? | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  |  | |  | | Yes | | | | |  | No | | | | | | | | | | | | | | | | | | | | | | |
|  | b) | | If yes, will the application be to: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  |  | | i) | | | Challenge legislation? | | | | | |  | Yes |  | No | | | | | | | | | | | | | | | | | | |
|  |  | | ii) | | | If yes, please provide details of challenge, nature of evidence to be called, time estimates for evidence and arguments: | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  |  | |  | | |  | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  |  | | iii) | | | Challenge to the admissibility of evidence, not noted above? | | | | | | | | | | | | | | | | |  | | | Yes | | |  | | | No | |
|  |  | | iv) | | | If yes, please provide details of challenge, nature of evidence to be called, time estimates for evidence and arguments: | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  |  | |  | | |  | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 13. | Other legal issues requiring rulings either counsel anticipates will arise: | | | | | | | | | | | | | | | | | | | | | | | | | | |  | | N/A | | | |
|  | a) | |  | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | b) | | Time estimate for *voir dire*: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  |  | | **Evidence** | | | | | | | | | | | | | |  | **Argument** | | | | | | | | | | | | | | | |
|  |  | | Crown | | | | |  | | | | | | | | |  | Crown | |  | | | | | | | | | | | | | |
|  |  | | Defence | | | | | |  | | | | | | | |  | Defence | | |  | | | | | | | | | | | | |
| 14. | Defence Expert Witnesses | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | a) | | Does the defence intend to call expert witnesses? | | | | | | | | | | | | |  | | | Yes | | |  | | | No | | | | | | | | |
|  | b) | | Name of expert(s): | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  |  | |  | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | c) | | Qualifications of the proposed witness as an expert: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  |  | |  | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | d) | | 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: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  |  | |  | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | e) | | Does the Crown contest the admissibility of the expert evidence? | | | | | | | | | | | | | | | | | | | | |  | | | Yes | | | |  | | No |
|  | f) | | Basis upon 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 | | | | | | | | | | | | | | | | | | | | | | | | | | | |

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| (Pursuant to Part XXIV) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| (*Criminal Code*, s. 625.1and *Criminal Proceedings Rules*, Rule 35) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | g) | | Comments: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  |  | |  | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | h) | | Time estimate for *voir dire*: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  |  | | **Evidence** | | | | | | | | | | | | | |  | **Argument** | | | | | | | | | | | | | | | | | | |
|  |  | | Crown | | | |  | | | | | | | | | |  | Crown |  | | | | | | | | | | | | | | | | | |
|  |  | | Defence | | | | | |  | | | | | | | |  | Defence | |  | | | | | | | | | | | | | | | | |
| 15. | | 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: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | |  | |  | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 16. | | 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 or s. 714.2? | | | | | | | | | | | | | | |  | 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) | | as vulnerable witness, pursuant to s. 486.2? | | | | | | | | | | | | | | |  | 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 | |  | | | | | | | | | | | | | | | | |
| 17. | | Will the Crown or any witness apply for an order pursuant to s. 486.3, appointing counsel to cross-examine a witness if the offender is not represented by counsel? | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | |  | | Yes | | | |  | | | No | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | | Does the offender oppose the order? | | | | | | | | | | |  | Yes |  | No | | | | | | | | | | | | | | | | | | | | |
| 18. | | Support Person | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | | a) | | Will any Crown witness require a support person, pursuant to s. 486.1(1)? | | | | | | | | | | | | | | | | | | |  | | Yes | | |  | | | No | | | | | |
|  | |  | | Details: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| (Pursuant to Part XXIV) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| (*Criminal Code*, s. 625.1and *Criminal Proceedings Rules*, Rule 35) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | b) | Will any Crown witness require a support person, pursuant to s. 486.1(2)? | | | | | | | | | | | | | | | | | | | | | | | | | | | | |  | Yes |  | No |
|  |  | Details: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  |  |  | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | c) | Does the defence oppose the order? | | | | | | | | | | | |  | | Yes | | | | | |  | | No | | | | | | | | | | |
| 19. | Publication Bans/Deferred Publication Orders | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | a) | Does the Crown seek an order pursuant to 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) | If opposed, estimated time for: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  |  | **Evidence** | | | | | | | | | | | | | | | | | | |  | **Argument** | | | | | | | | | | | | |
|  |  | Crown | | |  | | | | | | | | | | | | | | | |  | Crown | | | |  | | | | | | | | |
|  |  | Defence | | | |  | | | | | | | | | | | | | | |  | Defence | | | | | |  | | | | | | |
|  | d) | Does either party seek other publication bans or deferred publication orders? | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  |  | Crown: | | | | | |  | | Yes |  | No | | | | | | | | | | | | | | | | | | | | | | |
|  |  | Defence: | | | | | |  | | Yes |  | No | | | | | | | | | | | | | | | | | | | | | | |
|  | e) | If yes, provide details of order sought, media to be notified, timing of hearing, time estimate for hearing: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  |  |  | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | f) | Does the other party oppose the application? | | | | | | | | | | | | | | |  | | | Yes | | | | |  | | | | No | | | | | |
|  | g) | If opposed, estimated time for: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  |  | **Evidence** | | | | | | | | | | | | | | | | | | |  | **Argument** | | | | | | | | | | | | |
|  |  | Crown | | |  | | | | | | | | | | | | | | | |  | Crown | | | |  | | | | | | | | |
|  |  | Defence | | | |  | | | | | | | | | | | | | | |  | Defence | | | | | |  | | | | | | |
| 20. | 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 relies: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  |  |  | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | 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 | | | | | | | | | | | | | | | | | | | | | | | | | |

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| (Pursuant to Part XXIV) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| (*Criminal Code*, s. 625.1and *Criminal Proceedings Rules*, Rule 35) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | g) | Comments: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  |  |  | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | h) | Time estimate for *voir dire*: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  |  | **Evidence** | | | | | | | | | | | | |  | **Argument** | | | | | | | | | | | | | | | | |
|  |  | Crown |  | | | | | | | | | | | |  | Crown | | |  | | | | | | | | | | | | | |
|  |  | Defence | |  | | | | | | | | | | |  | 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 | | | | | | | | | | | | | | | | | | | | | | | | |
|  | c) | If yes, please indicate the witnesses to be called, the nature of their evidence, and provide time estimates for evidence and argument? | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  |  |  | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | d) | Does the other counsel consent to the admissibility of the evidence? | | | | | | | | | | | | | | | | | | |  | | Yes | | |  | | No | | | | |
|  | e) | If no, please provide the basis of the objection: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  |  |  | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 22. | Factual, evidentiary or legal admissions sought by the Crown, or conceded by defence: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  |  | | | | | | | | | | | | | | | | | | | | | | | | 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 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | a) | Will there be an application to have the offender 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*: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  |  | **Evidence** | | | | | | | | | | | | |  | **Argument** | | | | | | | | | | | | | | | | |
|  |  | Crown |  | | | | | | | | | | | |  | Crown | | |  | | | | | | | | | | | | | |
|  |  | Defence | |  | | | | | | | | | | |  | Defence | | | |  | | | | | | | | | | | | |

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| Page 10 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| PRE-HEARING CONFERENCE REPORT FOR CROWN APPLICATIONS | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| (Pursuant to Part XXIV) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| (*Criminal Code*, s. 625.1and *Criminal Proceedings Rules*, Rule 35) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 24. | | Interpreters | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | | a) | | Does the offender 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 | | | | | | | | | | | | | | |
| 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: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | |  | |  | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 26. | | 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, pursuant to s. 486(1)? | | | | | | | | | | | | | | | | | | | | | | | | |  | Yes |  | No | |
|  | | c) | | Details: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | |  | |  | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 27. | Crown’s Position | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | a) | | On a Dangerous Offender application, is the Crown seeking: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  |  | | i) | | an indeterminate sentence, pursuant to s. 753(4)(a)? | | | | | | | | | | | | | | | | | | |  | | Yes |  | No | | | | |
|  |  | | ii) | | a determinate sentence followed by a long-term supervision order pursuant to s. 753(4)(b)? | | | | | | | | | | | | | | | | | | |  | | Yes |  | No | | | | |
|  |  | | iii) | | a determinate sentence pursuant to s. 753(4)(c)? | | | | | | | | | | | | | | | | | | |  | | 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: | | | | |  | | | | | | | | | | | | | | | | | | | | | | |

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| Page 11 | | | | | | | | | | | | | | | | |
| PRE-HEARING CONFERENCE REPORT FOR CROWN APPLICATIONS | | | | | | | | | | | | | | | | |
| (Pursuant to Part XXIV) | | | | | | | | | | | | | | | | |
| (*Criminal Code*, s. 625.1and *Criminal Proceedings Rules*, Rule 35) | | | | | | | | | | | | | | | | |
| 28. | | Corollary Orders sought by the Crown | | | | | | | | | | | | | | | |
|  | | a) | | DNA Order: | | | | | | |  | Yes | |  | No | | |
|  | | b) | | s. 109 prohibition: | | | | | | |  | Yes | |  | No | | |
|  | |  | | Duration: | | |  | | | | | | | | | | |
|  | | c) | | s. 161 order: | | | | | | |  | Yes |  | | No | | |
|  | |  | | Duration: | |  | | | | | | | | | | | |
|  | | d) | | Sex Offender Registry Order: | | | | | | |  | Yes |  | | No | | |
|  | |  | |  | 10 years (s. 490.013(2)(a) – maximum sentence: 2 – 5 years) | | | | | | | | | | | | |
|  | |  | |  | 20 years (s. 490.013(2)(b) – maximum sentence: 10 – 14 years) | | | | | | | | | | | | |
|  | |  | |  | life (s. 490.013(2)(c) or (3) – maximum sentence of life or if was bound by previous *SOIRA* order) | | | | | | | | | | | | |
| 29. | | Time estimates | | | | | | | | | | | | | | | |
|  | Crown estimate for evidence and argument: | | | | | | | | | | | | | | | | |
|  |  | | | | | | | | | | | | | | | | |
|  | Defence estimate for evidence and argument: | | | | | | | | | | | | | | | | |
|  |  | | | | | | | | | | | | | | | | |
| 30. | Counsel’s Availability (including expert witnesses) | | | | | | | | | | | | | | | | |
|  | Crown: | | | | | | | | | | | | | | | | |
|  |  | | | | | | | | | | | | | | | | |
|  | Defence: | | | | | | | | | | | | | | | | |
|  |  | | | | | | | | | | | | | | | | |
| Date: | | |  | | | | | | | | | | | | | | |
| Case Supervision Judge: | | | | | | | | | |  | | | | | | | |
| Counsel for Crown: | | | | | | | |  | | | | | | | | | |
| Counsel for Defence: | | | | | | | | |  | | | | | | | | |
| Was the Case Management Conference completed on today’s date? | | | | | | | | | | |  | Yes |  | | | No | |
| If no, date and time at which the Case Management Conference will be completed/continued: | | | | | | | | | | | | | | | | | |
|  | | | | | | | | | | | | | | | | | |
| Steps Crown to take prior to continuation of Case Management Conference: | | | | | | | | | | | | | | | | | |
|  | | | | | | | | | | | | | | | | | |
| Steps Defence to take prior to continuation of Case Management Conference: | | | | | | | | | | | | | | | | | |
|  | | | | | | | | | | | | | | | | | |