

**SUPREME COURT OF BERMUDA  
PRE-TRIAL AND CASE MANAGEMENT HEARINGS**

**CRIMINAL JURISDICTION AND PROCEDURE ACT 2015  
DISCLOSURE AND CRIMINAL REFORM ACT 2015  
CRIMINAL PROCEDURE RULES 2013  
POLICE AND CRIMINAL EVIDENCE ACT 2006  
CRIMINAL CODE ACT 1907  
THE EVIDENCE ACT 1905**



**PRACTICE DIRECTION FORM 4** (issued by the Registrar 27 January 2017)

**DEFENCE STATEMENT (TRIAL TIMETABLE)**

SEE GUIDANCE NOTES UNDER PRACTICE DIRECTION No. 3 of 2017  
PRIOR TO COMPLETION OF THIS FORM

**THE QUEEN v**

Indictment No. \_\_\_ of 20\_\_

**TRIAL TIMETABLE**

**NOTICE OF PRE-TRIAL APPLICATIONS BY THE DEFENCE**

<b>1</b> Does the Defence intend to make any pre-trial applications to the Court?	<b>1A</b> Has the Defence reviewed the Guidance Notes applicable to this Form?
YES NO	YES NO

**2**  
If the answer to **1** is YES, state nature of the pre-trial application(s)?

N/A

**2A**  
If the answer to **1** is YES, state the relief/ order(s) sought of the Court:

N/A

<b>3</b> If the answer to <b>1</b> is YES, did the Defence make the nature of the pre-trial application(s) and the statutory provisions and case law which will be relied on in support known to the Prosecutor?	<b>4</b> If the answer to <b>3</b> is NO, does the Defence confirm its understanding that this is required to be done on or before the day this Form is due to be filed as a step towards filing a joint hearing bundle?
YES N/A NO	YES N/A NO



## NOTICE OF REQUEST FOR WITNESS TO BE TENDERED FOR XX

<p><b>20</b> Has the Prosecutor indicated whether any of the witnesses, whose statements were served as used material, will <u>not</u> be called at trial?</p> <p style="text-align: center;">YES <span style="margin-left: 150px;">NO</span></p>	<p><b>21</b> If the answer to <b>20</b> is YES, did the Defence inform the Prosecution of any particular witnesses required to be tendered for cross-examination?</p> <p style="text-align: center;">YES <span style="margin-left: 50px;">N/A</span> <span style="margin-left: 50px;">NO</span></p>
<p><b>22</b> <b>Does the Defence need to address the Court on issues arising under 20-21?</b></p> <p style="text-align: center;"><b>YES</b> <span style="margin-left: 50px;">N/A</span> <span style="margin-left: 50px;">NO</span></p>	<p><b>23</b> If the answer to <b>22</b> is YES, will the Defence be referring the Court to any <b>statutory provisions and/or case law</b> in support of objections?</p> <p style="text-align: center;">YES <span style="margin-left: 50px;">N/A</span> <span style="margin-left: 50px;">NO</span></p>
<p><b>24</b> If the answer to <b>23</b> is YES, did the <b>Defence make the statutory provisions and case law</b> which will be relied on in support <b>known to the Prosecutor?</b></p> <p style="text-align: center;">YES <span style="margin-left: 50px;">N/A</span> <span style="margin-left: 50px;">NO</span></p>	<p><b>25</b> If the answer to <b>24</b> is NO, does the Defence confirm its understanding that this is <b>required to be done</b> on or before the day this Form is due to be filed as a step towards filing a <b>joint hearing bundle?</b></p> <p style="text-align: center;">YES <span style="margin-left: 50px;">N/A</span> <span style="margin-left: 50px;">NO</span></p>
<b>EDITING RECORDS OF ACCUSED STATEMENTS</b>	
<p><b>26</b> Does the Defence assert the need for edits to be made to transcripts and/or recordings of statement(s) by the Accused?</p> <p style="text-align: center;">YES <span style="margin-left: 50px;">N/A</span> <span style="margin-left: 50px;">NO</span></p>	<p><b>27</b> If the answer to <b>26</b> is YES, has the Defence made this known to the Prosecutor?</p> <p style="text-align: center;">YES <span style="margin-left: 50px;">N/A</span> <span style="margin-left: 50px;">NO</span></p>
<p><b>28</b> Did the Defence liaise with the Prosecutor to identify any agreeable edits to transcripts / recordings?</p> <p style="text-align: center;">YES <span style="margin-left: 50px;">N/A</span> <span style="margin-left: 50px;">NO</span></p>	<p><b>29</b> <b>Does the Defence need to address the Court on issues arising under 26-29?</b></p> <p style="text-align: center;"><b>YES</b> <span style="margin-left: 150px;"><b>NO</b></span></p>
<b>EDITING VIDEO /AUDIO CROWN EXHIBITS</b>	
<p><b>30</b> Does the Defence assert the need for edits to be made to video and/or audio exhibits which the prosecution intends to produce at trial?</p> <p style="text-align: center;">YES <span style="margin-left: 50px;">N/A</span> <span style="margin-left: 50px;">NO</span></p>	<p><b>31</b> If the answer to <b>30</b> is YES, has the Defence made this known to the Prosecutor?</p> <p style="text-align: center;">YES <span style="margin-left: 50px;">N/A</span> <span style="margin-left: 50px;">NO</span></p>
<p><b>32</b> Did the Defence liaise with the Prosecutor to identify any agreeable edits?</p> <p style="text-align: center;">YES <span style="margin-left: 50px;">N/A</span> <span style="margin-left: 50px;">NO</span></p>	<p><b>33</b> <b>Does the Defence need to address the Court on issues arising under 30-33?</b></p> <p style="text-align: center;"><b>YES</b> <span style="margin-left: 150px;"><b>NO</b></span></p>
<b>REMOVAL OF PHOTOGRAPHS FROM CROWN PHOTO ALBUMS</b>	
<p><b>34</b> Does the Defence assert the need for the removal of any photographs from photo albums which the Prosecution intends to exhibit?</p> <p style="text-align: center;">YES <span style="margin-left: 50px;">N/A</span> <span style="margin-left: 50px;">NO</span></p>	<p><b>35</b> If the answer to <b>34</b> is YES, has the Defence made this known to the Prosecutor?</p> <p style="text-align: center;">YES <span style="margin-left: 50px;">N/A</span> <span style="margin-left: 50px;">NO</span></p>
<p><b>36</b> Did the Defence liaise with the Prosecution in attempt to agree which photographs can be agreed for inclusion in the photo album(s)?</p> <p style="text-align: center;">YES <span style="margin-left: 50px;">N/A</span> <span style="margin-left: 50px;">NO</span></p>	<p><b>37</b> <b>Does the Defence need to address the Court on issues arising under 34-37?</b></p> <p style="text-align: center;"><b>YES</b> <span style="margin-left: 150px;"><b>NO</b></span></p>

## NOTICE OF ESTIMATED LENGTH OF DEFENCE CASE

<b>38</b> Does the Defence intend to call the Accused to give evidence?  YES <span style="float: right;">NO</span>	<b>39</b> Does the Defence intend to call any witnesses?  YES <span style="float: right;">NO</span>
<b>40</b> If the answer to <b>39</b> is YES, how many witnesses does the Defence intend to call?	<b>41</b> Select any of the following which categorizes any Defence witness:  a. vulnerable person; b. minor in age; c. afflicted by a medical or mental condition which requires special consideration; d. not fluent in English language; or e. resident overseas  NONE OF THE ABOVE

**42**  
If the answer to **38** and/or **39** is YES, list the names of the witnesses and expected time estimates for the evidence-in-chief of each of those witnesses (including the Accused where applicable):

	Name of Witnesses	Estimation of Time
1		
2		
3		
4		
5		
6		
7		
8		
9		

### DEFENCE EXHIBITS (ELECTRONIC)

<b>43</b> Does the Defence intend to play any video or audio evidence for the jury?  YES <span style="float: right;">NO</span>	<b>44</b> If the answer to <b>43</b> is YES, what is the duration of the footage?  HOURS:                      MINUTES:                      N/A
<b>45</b> Does the Defence intend to rely on the Court to provide electronic equipment for the viewing or listening of the evidence?  YES <span style="float: right;">NO</span>	<b>46</b> <b>Does the Defence need to address the Court on issues arising under 43-46?</b>  YES <span style="float: right;">NO</span>

### NOTICE OF REQUEST FOR SITE VISIT

<b>47</b> Does the Defence intend to invite the Court to attend any site visits?  YES <span style="float: right;">NO</span>	<b>48</b> If the answer to <b>47</b> is YES, state the location:    <span style="float: right;">N/A</span>
<b>49</b> If the answer to <b>47</b> is YES, state whether the site visit should be scheduled at any particular stage of trial:	<b>50</b> <b>Does the Defence need to address the Court on issues arising under 47-50?</b>  YES <span style="float: right;">NO</span>

## NOTICE OF SECURITY CONCERNS

**51**

Does the Defence perceive any particular security concerns which are likely to arise at trial?

YES

NO

**52**

Does the Defence need to address the Court in respect of security concerns?

YES

NO

**THIS FORM MUST BE FILED AND SERVED NO LATER THAN WITHIN 28 DAYS OF THE DATE ON WHICH THE PROSECUTION SERVED FORM 1.**

DATE PROSECUTION SERVED FORM 1:

\_\_\_\_\_ DAY \_\_\_\_\_ OF \_\_\_\_\_ 20\_\_\_\_\_

### NAME AND SIGNATURE

**PRINTED NAME OF DEFENCE COUNSEL AND FIRM:**

**SIGNATURE OF ACCUSED OR DEFENCE COUNSEL:**

This form should be completed after careful review of the Guidance Notes

REGISTRY DATE FILING STAMP SHOULD BE PLACED HERE: