


<p><b>Supreme Court Of Bermuda</b></p> <p><b>PRE-TRIAL AND CASE MANAGEMENT HEARINGS</b></p> <p><b>CRIMINAL PROCEDURE RULES 2013</b></p> <p><b>CRIMINAL JURISDICTION AND PROCEDURE ACT 2015</b></p> <p><b>DISCLOSURE AND CRIMINAL REFORM ACT 2015</b></p> <p><b>CRIMINAL CODE ACT 1907</b></p>	
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**PRACTICE DIRECTION FORM 2**  
**DEFENCE PRE-ARRAIGNMENT NOTICE**  
SEE GUIDANCE NOTES ISSUED BY REGISTRAR UNDER PRACTICE DIRECTION # 3 of 2017

**THE KING** v

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

PROSECUTION COUNSEL:	DEFENCE COUNSEL:
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DATE SENT TO THE SUPREME COURT FROM THE MAGISTRATES' COURT:  ____ DAY _____ OF _____ 20_____	DATE OF FIRST APPEARANCE IN THE SUPREME COURT:  ____ DAY _____ OF _____ 20_____
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DATE ARRAIGNED:  
  
\_\_\_\_\_ DAY \_\_\_\_\_ OF \_\_\_\_\_ 20\_\_\_\_\_

**INITIAL PROSECUTION DISCLOSURE CHECKLIST**

<p><b>1</b> Is the Defence in possession of the <b>Information</b> and <b>Indictment</b> containing the charges?</p> <p>YES <span style="float: right;">NO</span></p>	<p><b>2</b> Has the Defence been served with a <b>written summary</b> of the Prosecution case?</p> <p>YES <span style="float: right;">NO</span></p>
<p><b>3</b> Has the Defence been served with copies of <b>police witness statements</b>?</p> <p>YES <span style="float: right;">NO</span></p>	<p><b>4</b> Has the Defence been served with copies of <b>civilian witness statements</b>?</p> <p>YES <span style="float: right;">NO</span></p>
<p><b>5</b> Has the Defence been served with copies of <b>statements by the Accused</b>?</p> <p>YES <span style="float: right;">NA <span style="margin-left: 20px;">NO</span></span></p>	<p><b>6</b> Does the Defence assert that the Prosecution incorrectly replied to any of questions 1-8 in FORM 1?</p> <p>YES <span style="float: right;">NO</span></p>

**APPLICATION TO DISMISS CHARGE(S) ON INDICTMENT**

**NOTICE OF SECTION 31 CRIMINAL JUSTICE AND PROCEDURE ACT 2015 APPLICATION**

<p><b>7</b> Does the Defence intend to make a section 31 application to dismiss any of the charges?</p> <p>YES <span style="float: right;">NO</span></p>	<p><b>8</b> If YES to <b>7</b>, does the Defence intend to make a written or oral application in Court?</p> <p>WRITTEN <span style="float: right;">ORAL</span></p>
<p><b>9</b> If ORAL to <b>8</b>, has the Defence liaised with the Prosecutor to agree hearing dates for next 30 days?</p> <p>YES <span style="float: right;">NO</span></p>	<p><b>10</b> If YES to <b>9</b>, have agreed hearing dates been specified in accompanying cover letter to Registrar?</p> <p>YES <span style="float: right;">NO</span></p>

## MOTION TO QUASH INDICTMENT

### NOTICE OF SECTION 504 CRIMINAL CODE APPLICATION

<b>11</b> Does the Defence intend to make a section 504(1) application to quash the indictment?  YES <span style="float: right;">NO</span>	<b>12</b> If YES to <b>11</b> , does the Defence intend to make a written or oral application in Court?  WRITTEN <span style="float: right;">ORAL</span>
<b>13</b> If ORAL to <b>12</b> , has the Defence liaised with the Prosecutor to agree hearing dates for next 30 days?  YES <span style="float: right;">NO</span>	<b>14</b> If YES to <b>13</b> , have agreed hearing dates been specified in accompanying cover letter to Registrar?  YES <span style="float: right;">NO</span>

## ACCUSED UNFIT TO PLEAD

### NOTICE OF SECTION 514 OF THE CRIMINAL CODE

<b>15</b> Does the Defence have concerns whether the Accused is capable of understanding the proceedings at the trial, so as to be able to make a proper defence?  YES <span style="float: right;">NO</span>	<b>16</b> If YES to <b>15</b> , does the Defence intend to proceed under section 514 of the Criminal Code?  YES <span style="float: right;">N/A</span> <span style="float: right;">NO</span>
<b>17</b> If YES to <b>16</b> , has the Defence liaised with the Prosecutor for agreed proposed hearing dates during the next 90 day period?  YES <span style="float: right;">NO</span>	<b>18</b> If YES to <b>17</b> , have agreed hearing dates been specified in accompanying cover letter to Registrar?  YES <span style="float: right;">NO</span>

### NOTICE OF PLEAS TO BE ENTERED

<b>19</b> Does the Defence intend to enter guilty plea(s) to each charge on the Indictment?  YES <span style="float: right;">NO</span>	<b>20</b> If NO to <b>19</b> , does the Defence intend to enter guilty plea(s) to any one or some of the charges on the Indictment?  YES <span style="float: right;">N/A</span> <span style="float: right;">NO</span>
<b>21</b> If YES to <b>20</b> , has the Defence liaised with the Prosecution to determine whether those pleas are acceptable to the Prosecutor?  YES <span style="float: right;">N/A</span> <span style="float: right;">NO</span>	<b>22</b> <b>Does the Defence expect to proceed to trial or directly to sentence if the charges are not otherwise dismissed?</b>  <b>TRIAL</b> <span style="float: right;"><b>SENTENCE</b></span>

**THIS FORM MUST BE FILED AND SERVED NO LATER THAN WITHIN 14 DAYS AFTER THE DATE ON WHICH THE DEFENCE WAS SERVED WITH FORM 1**

DATE ON WHICH THE DEFENCE WAS SERVED WITH PROSECUTION'S FORM 1 NOTICE:

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

## SIGNATURES

SIGNATURE OF ACCUSED/DEFENCE COUNSEL:	ACCUSED/DEFENCE COUNSEL NAME PRINTED:

REGISTRY DATE FILING STAMP SHOULD BE PLACED HERE: