

Supreme Court Of British Columbia

CRIMINAL CASE MANAGEMENT

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Regina v. _____

File Number(s): _____

Crown:	
Defence:	
Accused	Counsel

Charges (section numbers):

1. CHRONOLOGY OF THE CASE

1.1 DATE OF OFFENCE(S)

1.2 DATE OF ARREST OR FIRST APPEARANCE

1.3 PRELIMINARY HEARING:

Date of committal for trial: _____

Length of preliminary hearing: _____

1.4 JUDICIAL INTERIM RELEASE

Is the accused detained in custody on this matter? Yes No

Is the accused detained in custody on other charges? Yes No

1.5 TRIAL DATES

Is this case presently set for trial? Yes No

If so what dates are reserved?

If this is a jury trial what is the date of jury selection?

1.6 PRE-TRIAL HISTORY

Is this the first pre-trial conference? Yes No

If not when was/were the previous pre-trial conference(s), and who presided?

Has this case previously been set for trial? Yes No

If so when was the first trial date and why did the matter not proceed on that date?

2. MODE AND PLACE OF TRIAL:

2.1 MODE OF TRIAL

Is this matter set for trial before a jury? Yes No

Will there be a re-election? Yes No

2.2 JURY SELECTION

Will there be an application to challenge jurors for cause? Yes No

Are there any other issues relating to jury selection, and if so what are they?

2.3 PLACE OF TRIAL

Where is the trial presently set to take place? _____

Will there be an application to change the place of the trial? Yes No

2.4 LANGUAGE OF TRIAL

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

Does the accused require an interpreter? Yes No

If so, from what language? _____

3. THE INDICTMENT

3.1 APPLICATIONS/CHANGES BY THE CROWN TO THE INDICTMENT

Does the Crown anticipate any changes to the indictment? Yes No

If so, what the anticipated changes?

3.2 APPLICATIONS BY THE DEFENCE RELATING TO THE INDICTMENT

Will the defence be making any of the following applications?

- a) Severance of counts Yes No
- b) Severance of accused Yes No
- c) Particulars Yes No
- d) Quash indictment Yes No
- e) Quash a count(s) (s.581) Yes No
- f) Quash committal Yes No

3.3 THEORY/POSITION OF THE CROWN

On what basis does the Crown seek to establish liability of each accused (party, principal)?

Does the Crown say that there are any included offences? Yes No

If so, what are those offences?

Does the defence say there are any included offences Yes No

If so, what are those offences?

4. DISCLOSURE APPLICATIONS

4.1 GENERAL DISCLOSURE ISSUES

Are there any outstanding requests for disclosure? Yes No

If so what are they and when will they be resolved?

4.2 THIRD PARTY RECORDS

Will the defence be applying for the production of records in the possession of third parties? Yes No

If so, on what basis will the application be made (Mills, s. 278.2, O'Connor)?

What is the nature and anticipated volume of the records sought:

When will the application be filed and served? _____

5. ADMISSIONS

Will any of the following matters be admitted?

Jurisdiction Yes No

Identity of the accused Yes No

Continuity of exhibits Yes No

Photographs	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Ownership of property	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Value of property	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Accused as driver	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Death/injuries caused by accused	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Age of complainant	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Service of Notice	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Nature of drug(s)	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Value of drug(s)	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Amount of drug(s) is 'ppt'	Yes <input type="checkbox"/>	No <input type="checkbox"/>

6. PRE-TRIAL MOTIONS BY THE CROWN

6.1 ADMISSIBILITY OF ACCUSED'S STATEMENTS

Is the Crown be tendering a statement of the accused? Yes No

Length of Statement(s): _____

Does the defence dispute admissibility? Yes No

If yes, on what basis?

6.2 ADMISSIBILITY OF DISREPUTABLE CONDUCT EVIDENCE

6.2.1 Disreputable conduct not covered by a count in the indictment

Is the Crown seeking to lead evidence of disreputable conduct not covered by indictment? Yes No

If so, what is the nature of the evidence?

Does defence object to the admission of this evidence?

Yes No

6.2.2 *Similar Fact as Between Counts in the Indictment*

Is the Crown seeking a ruling on the use that may be made of evidence of disreputable conduct as between counts in the indictment?

Yes No

If so, does defence oppose it?

Yes No

6.3 ADMISSIBILITY OF EVIDENCE RELYING ON THE PRINCIPLED EXCEPTION TO THE HEARSAY RULE

Will the Crown seek to lead evidence relying on the principled exception to the hearsay rule?

Yes No

If yes, what is the nature of the evidence? _____

Does the defence object to the admission of this evidence? Yes No

6.4 ADMISSIBILITY OF AFTER-THE-FACT CONDUCT EVIDENCE

Does the Crown seek to lead after-the-fact conduct evidence? Yes No

If yes, what is the nature of the evidence?

Does the defence object to the admission of this evidence? Yes No

7. PRE-TRIAL EVIDENTIARY MOTIONS BY THE DEFENCE

7.1 SEARCH WARRANTS

Will the Crown be leading evidence obtained as a result of the execution of a search warrant?

Yes No

Is the defence challenging admissibility?

Yes No

Will a Vukelich voir dire be necessary?

Yes No

7.2 WIRETAP EVIDENCE

Does the Crown seek to introduce wiretap evidence?

Yes No

If so, what kind of authorization is involved (consent s.184.2 or Full Part VI)?

Has notice been given under s. 189? Yes No

Is the defence challenging admissibility? Yes No

Will a Vukelich voir dire be necessary? Yes No

Will the defence wish to cross-examine affiant/sub-affiant? Yes No

If so, which witnesses does the defence wish to cross examination?

7.3 EVIDENCE OF THE COMPLAINANT'S OTHER SEXUAL ACTIVITY (S. 276)

Will the defence be seeking to introduce evidence of the complainant's prior sexual activity? Yes No

Has the application been filed and served? Yes No

If not, when will it be served and filed? _____

7.4 EVIDENCE OF OTHER SUSPECTS

Does the defence plan to elicit evidence of other suspects? Yes No

If so who are those other suspects and how does the defence plan to put the evidence before the court?

Does the Crown oppose admissibility? Yes No

7.5 CHARACTER OF VICTIM

Will there be evidence as to the character of the victim? Yes No

Does the Crown oppose admissibility? Yes No

8. OTHER PRE-TRIAL MOTIONS BY THE DEFENCE

8.1 APPLICATIONS TO STAY PROCEEDINGS

Will there be an application to stay proceedings? Yes No

If so what is the basis of the application (abuse of process under the common law, section 7, delay, other)?

8.2 CHALLENGE TO LEGISLATION

Is the defence challenging any legislation in the trial? Yes No

If so, has notice been given? Yes No

9. WITNESSES

9.1 EXPERT EVIDENCE

9.1.1 Crown Experts

Does the Crown intend to call expert evidence? Yes No

If yes, what are their names and areas of expertise?

Does the defence contest the admissibility the expert evidence?

Yes No

9.1.2 Defence Experts

Does the defence intend to call expert evidence? Yes No

If yes, what are the names of the witnesses and what are their areas of expertise?

Does the Crown contest the admissibility the expert evidence?

Yes No

9.2 COMPETENCY OF WITNESSES

Does the Crown intend to call witness(s) under the age of 14?

Yes No

If yes, what are their name(s) and age(s)?

Does the defence intend to challenge the capacity of any witness on the basis of mental capacity? Yes No

9.3 SUPPORT PERSON/TESTIMONIAL ACCOMMODATION

9.3.1 Support Persons

Will the Crown be applying to have a witness testify with a support person, pursuant to s. 486.1(1) (presumptive order witnesses under 18 or witness who has a mental or physical disability)? Yes No

If so, which witness(s) (names and ages)?

Who is (are) the proposed support person and what is that person's relationship to the witness?

Does the defence oppose the application? Yes No

Will the Crown, or to the Crown's knowledge will a witness, be applying to have a support person present during the testimony of any other witness pursuant to s. 486.1(2)? Yes No

If so, what is the name and age of the witness and what is the name of the proposed support person, and what is that person's relationship to the witness?

Does the defence oppose the application? Yes No

9.3.2 Other Testimonial Accommodation

Will the Crown be applying to have a witness testify outside the courtroom or from behind a screen, pursuant to s. 486.2(1) (presumptive order; witness under 18 or witness who has a mental or physical disability)? Yes No

If so, what is the name and age of the witness and what is the nature of the accommodation sought?

Does the defence oppose the application? Yes No

Will the any Crown witness, be applying to testify from outside the courtroom or from behind a screen pursuant to s. 486.2(2) (discretionary order if witness over 18)? Yes No

If so, what is the name and age of the witness(s)?

9.4 VIDEO-RECORDED EVIDENCE (S. 715.1 AND 715.2)

Does the Crown seek to introduce videotaped evidence of a witness, pursuant to s. 715.1(victim or witness under 18 at the time of the alleged offence) or 715.2 (victim or witness under mental or physical disability)?

Yes No

If, yes what is the name of the witness(s) and what is the nature of his/her evidence?

Is the defence opposed? Yes No

9.5 EVIDENCE TAKEN AT PRELIMINARY INQUIRY

Does the Crown seek to have evidence introduced by reading in evidence from the preliminary inquiry, pursuant to s. 715? Yes No

If so which witness(s) and why is it necessary?

Is the defence opposed? Yes No

9.6 EVIDENCE BY VIDEO LINK

Will the Crown seek to have any witness's evidence introduced by video link, pursuant to s. 714.1? Yes No

If yes, who are the witnesses and what is the nature of their evidence?

Does the defence oppose the application? Yes No

9.7 ACCUSED ACTING ON HIS OR HER OWN BEHALF

Will the Crown or any witness be applying for a an order pursuant to s. 486.3 appointing counsel to cross examine a witness if the accused is not represented by counsel? Yes No

Does the accused oppose the order? Yes No

9.8 INTERPRETERS

Do any Crown witness(s) require an interpreter? Yes No

If so, for what language(s):

10. PUBLICATION BANS/DEFERRED PUBLICATION ORDERS

10.1 ORDERS UNDER SECTION 486.4 AND 486.5

Does the Crown seek an order pursuant to s. 486.4 or 486.5 banning the publication of the complainant's or a witness's identity? Yes No

Does the defence oppose the order? Yes No

10.2 OTHER PUBLICATION BANS OR DEFERRED PUBLICATION ORDERS

Will other publication bans or deferred publication orders be sought by either the Crown or the defence? Yes No

11. PRIVILEGE ISSUES

Will the Crown be raising issues of privilege? Yes No

Will the defence be raising issues of privilege? Yes No

If yes, specify the nature of the evidence and issue of privilege it raises (solicitor/client, work product, litigation privilege):

Will either party be seeking an in camera hearing to address an issue of privilege? Yes No

12. THE COURTROOM

12.1 POSITION OF ACCUSED IN COURT

Will the accused apply to sit at counsel table? Yes No

If so, does the Crown consent? Yes No

12.2 ABSENCE OF ACCUSED FROM COURT

Will the accused apply to be absent during the trial? Yes No

If so, does the Crown consent? Yes No

12.3 COURTROOM SECURITY ISSUES

Does any party believe that increased courtroom security issues are raised in this case? Yes No

If so why and what are the issues?

12.4 SECURITY MEASURES AND THE ACCUSED

If the sheriffs consider it necessary for the accused to be shackled/handcuffed or otherwise restrained, does the defence seek any special directions regarding these issues? Yes No

13. FITNESS TO STAND TRIAL

Is there an issue as to the accused's fitness to stand trial? Yes No

If so, will it be raised by the Crown or the defence?

14. OTHER ISSUES

Are there any other issues that counsel anticipate and which should be addressed prior to trial?

15. CONCLUSION

Should a case management/trial judge be appointed now? Yes No

Issue:

Evidence:

What evidence and in what form does the Crown propose to call on the voir dire (e.g. by affidavit, viva voce testimony, agreed statement of facts) and do the parties agree with the proposed form of evidence.

Counsels' positions on the timing and length of the application:

Time estimate for Application:

Crown Evidence		Crown Argument	
Defence Evidence		Defence Argument	
TOTAL			

Counsels' position on the timing of the Voir Dire:

When do counsel propose to have the issue determined (e.g., pre trial, mid trial, or at the close of the Crown's case?)

Pre-trial conference judge's directions for the conduct of the voir dire

The form of the evidence, admissions that might/should be made, what if any filing requirements are there, what is the estimated time required to hear it and when is it to be heard.

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