

**SUPERIOR COURT OF JUSTICE
(ONTARIO)
REPORT TO TRIAL JUDGE**

Pre-trial Judge: _____
Date: _____
Is a further pre-trial recommended? Yes ___ No ___
Should a case management judge be appointed? Yes ___ No ___

Regina v. _____

Charges: _____

Counsel: Crown - _____

Defence - _____

Pre-trial judge(s): _____

Anticipated length of trial*: Motions _____

Trial (jury) _____

Trial (non-jury) _____

* In providing time estimates, pre-trial judges must include time for the trial judge to prepare rulings on applications

Mode of Trial:

1. Non-jury Yes No

2. Jury a) Challenge for causes Yes No

b) If yes, i) Racial Yes No

ii) Publicity Yes No

iii) Other _____

Does Crown consent to challenge? Yes No

3. Will the trial be conducted in French or as a bilingual trial? Yes No

Notes: _____

1. Pre-Trial Motions on the Indictment

a) Quash committal for trial Yes No

b) Quash indictment Yes No

c) Quash a count(s) in indictment: i) relying on s. 581(1) Yes No

ii) relying on s. 581(3) Yes No

- d) Sever count(s) in indictment Yes No
- e) Sever accused Yes No
- f) Particulars Yes No
- g) Change of venue Yes No
- h) Amendment(s) Yes No

2. Pre-Trial Motions

a) Admissibility of Accused's Statements

Is the Crown seeking a ruling on admissibility? Yes No

If yes, does the defence contest admissibility? Yes No

Form of statement: Oral Written Audiotape Videotape

Is there a transcript of audio or videotaped statements Yes No

Length of Statements : _____

Voir dire issues:

a) recipient as a person in authority Yes No

b) Voluntariness Yes No

c) s. 10 (a) Yes No

d) s. 10 (b) Yes No

e) s. 7 Yes No

No. of witnesses: Crown _____ Defence _____

Are counsel agreeable to a blended *voir dire*, if more than one issue on *voir dire*?

Yes No

Total time estimate for *voir dire* evidence _____

Total time estimate for *voir dire* argument _____

Filing requirements ordered at pre-trial : _____

b) Admissibility of Other Disreputable Conduct Evidence, including similar fact

Is Crown relying on incidents not covered by indictment?

Yes No

If yes, nature of evidence _____

Does the Crown seek to have admissibility determined in a pre-trial motion?

Yes No

If no, when does Crown seek to hold *voir dire*? _____

Does defence dispute admissibility?

Yes No

How does Crown seek to introduce evidence on *voir dire*?

- | | | |
|-------------------------------|------------------------------|-----------------------------|
| i) <i>Viva voce</i> evidence | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| ii) Agreed Statement of Facts | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| iii) Witness statements | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| iv) Transcripts | Yes <input type="checkbox"/> | No <input type="checkbox"/> |

Does the defence consent to the manner in which the Crown seeks to introduce the evidence?

Yes No

Comment: _____

Does the Crown seek to rely on disreputable conduct evidence, relying on the counts in the indictment? Yes No

Total time estimate for evidence _____

Total time estimate for argument _____

Filing requirements ordered at pre-trial: _____

c) Admissibility relying on the Principled Exception to the Hearsay Rule

Does the Crown seek to introduce any evidence relying on the principled exception to the hearsay rule? Yes No

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

Does the defence contest admissibility? Yes No

Contested issues:	Necessity	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	Reliability	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	Probative value	Yes <input type="checkbox"/>	No <input type="checkbox"/>

How does the Crown seek to introduce the evidence on the *voir dire*?

- | | | |
|----------------------------------|------------------------------|-----------------------------|
| i) <i>Viva Voce</i> Evidence | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| ii) Agreement Statement of Facts | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| iii) Witness statements | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| iv) Transcripts | Yes <input type="checkbox"/> | No <input type="checkbox"/> |

Does the defence consent to the proposed method of introducing the evidence?

Yes No

Total time estimate for evidence _____

Total time estimate for arguments _____

Filing requirements ordered at pre-trial _____

d) Admissibility of After-the-Fact Conduct Evidence

Does the Crown seek to introduce after-the-fact conduct evidence?

Yes No

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

Does the defence contest admissibility?

Yes No How does the Crown seek to introduce the evidence on the *voir dire*?i) *Viva Voce* EvidenceYes No

ii) Agreement Statement of Facts

Yes No

iii) Witness statements

Yes No

iv) Transcripts

Yes No

Does the defence consent to the proposed method of introducing the evidence?

Yes No

Comments _____

Total time estimate for evidence _____

Total time estimate for arguments _____

Filing requirements ordered at pre-trial : _____

e) Admissibility of Intercepted Private CommunicationsDoes the Crown seek to introduce wiretap evidence? Yes No

Brief overview of evidence _____

Does the defence contest admissibility

Yes No

Brief overview of evidence _____

Type of authorization : Consent (s.184.2) Authorization

Other _____

Contested Issues: Facial validity Sub-facial validity

Other _____

Total time estimate for evidence _____

Total time estimate for arguments _____

Filing requirements ordered at pre-trial _____

f) Admissibility of Expert Crown Witness(es)

Does the Crown seek to introduce expert evidence? Yes No

Field(s) of Expertise: 1. _____ 2. _____
3. _____ 4. _____ 5. _____

Issues upon which the evidence will be introduced _____

For which experts does the defence contest admissibility: 1. Yes No
2. Yes No 3. Yes No 4. Yes No 5. Yes No

Basis upon which Admissibility is Contested _____

Total time estimate for evidence _____

Total time estimate for arguments _____

Filing requirements ordered at pre-trial _____

g) Admissibility of Expert Defence Witness(es)

Does the defence seek to introduce expert evidence? Yes No

Field(s) of Expertise: 1. _____ 2. _____
3. _____ 4. _____ 5. _____

Issues upon which the evidence will be introduced _____

For which experts does the Crown contest admissibility: 1. Yes No
2. Yes No 3. Yes No 4. Yes No 5. Yes No

Basis upon which admissibility is contested: _____

Total time estimate for evidence _____

Total time estimate for arguments _____

Filing requirements ordered at pre-trial _____

3. 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: _____

4. Are interpreters required?

For accused: Yes No

If so, languages : _____

For witnesses: Yes No

If so, languages: _____

Directions made re: ensuring interpreters and accused/witness are compatible : _____

5. Support Person

Will any Crown witness require a support person, pursuant to s. 486.1(1)? Yes No

Details: _____

Will any Crown witness require a support person, pursuant to s. 486.1(2)? Yes No

Details: _____

Does the defence oppose the order? Yes No

6. 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? 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. __ 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) Time estimate for *voir dire*:

Evidence

Argument

Crown _____ Crown _____

Defence _____ Defence _____

Total Time Estimates: Evidence _____ Argument _____

d) Filing requirements ordered at pre-trial _____

7. Publication Bans/Deferred Publication Orders

a) Does the Crown seek an order pursuant to s. 486(3) or (8), 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 _____

Total Time Estimates: Evidence _____ Argument _____

d) Filing requirements ordered at pre-trial _____

e) Does either party see other publication bans or deferred publication orders?

Crown Yes No

Defence Yes No

f) 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, provide time estimate for evidence and separate time estimate for argument:

Evidence: _____ Argument _____

8. 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) Does the Crown/defence submit the evidence is admissible? Yes No

e) Bases upon which admissibility will be agreed: _____

f) How does the party claiming privilege see to introduce the evidence on the *voire dire*?

i) *Viva Voce* Evidence Yes No

ii) Agreement Statement of Facts Yes No

iii) Witness statements Yes No

iv) Transcripts Yes No

g) Does the other party consent to the manner in which the evidence will be introduced on the *voire dire*?

Yes No

h) Comment: _____

i) Time estimate for *voire dire*:

Evidence Argument

Crown _____ Crown _____

Defence _____ Defence _____

Total Time Estimates: Evidence _____ Argument _____

j) Filing/serving requirements ordered at pre-trial _____

9. Defence Pre-trial Applications

a) Challenge to Legislation:

Specifics of challenge: _____

b) Does the Crown oppose the application? Yes No

c) Time estimate for <i>voir dire</i> :	<u>Evidence</u>	<u>Argument</u>
	Crown _____	Crown _____
	Defence _____	Defence _____
Total Time Estimates:	Evidence _____	Argument _____

10. Disclosure applications

a) Nature of evidence sought _____

b) Crown's position re: disclosure _____

c) Time estimate for <i>voir dire</i> :	<u>Evidence</u>	<u>Argument</u>
	Crown _____	Crown _____
	Defence _____	Defence _____
Total Time Estimates:	Evidence _____	Argument _____

d) Filing requirements ordered at pre-trial _____

11. Applications to Stay Proceedings based upon:

- a) Abuse of Process
- b) Contravention of *Charter* s. 7
- c) s. 11(b)
- d) Other

i) Overview of Defence position : _____

ii) Overview of Crown position: _____

iii) Time estimate for <i>voir dire</i> :	<u>Evidence</u>	<u>Argument</u>
	Crown _____	Crown _____
	Defence _____	Defence _____
Total Time Estimates:	Evidence _____	Argument _____

12. Applications to Exclude Evidence based upon s. 24(2) alleging breaches of:

- a) s. 7
- b) s. 8 warrantless search search warrant order authorization
 Issue: facial validity sub-facial validity execution
- c) other _____)
- d) s. 9 s. 10(a) s. 10(b)
- e) other _____

i) Overview of defence position: _____

ii) Overview of Crown position: _____

iii) Evidence sought to be excluded: _____

iv) Nature of breach: _____

v) Time estimate for *voir dire*:

	<u>Evidence</u>	<u>Argument</u>
	Crown _____	Crown _____
	Defence _____	Defence _____
Total Time Estimates:	Evidence _____	Argument _____

vi) Filing/serving requirements ordered at pre-trial _____

13. 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) Time estimate for *voir dire*:

	<u>Evidence</u>	<u>Argument</u>
	Crown _____	Crown _____
	Defence _____	Defence _____
Total Time Estimates:	Evidence _____	Argument _____

d) Orders at pre-trial:

i) (1) Application to be brought before trial date Yes No

ii) (2) Application to be brought at trial Yes No

e) Filing/serving requirements ordered at pre-trial _____

14. Evidence of the Complainant's Prior Sexual Activity – s. 276

Yes No

a) Nature of Evidence: _____

b) Manner in which defence seeks to establish evidentiary basis on application: _____

c) Time estimate for *voir dire*:

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

Total Time Estimates: Evidence _____ Argument _____

d) Orders at pre-trial:

i) Application to be brought before trial date Yes No

ii) Application to be brought at trial Yes No

e) Filing/serving requirements ordered at pre-trial _____

15. Evidence of Other Suspects

a) Nature of Evidence: _____

b) How does defence propose to introduce evidence on *voir dire*?

i) *Viva Voce* Evidence Yes No

ii) Agreement Statement of Facts Yes No

iii) Witness statements Yes No

iv) Transcripts Yes No

c) Does the Crown oppose admissibility? Yes No

d) Time estimate for *voir dire*:

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

Total Time Estimates: Evidence _____ Argument _____

c) Filing/serving requirements ordered at pre-trial _____

16. Character of Victim

a) Nature of Evidence: _____

b) Time estimate for *voir dire*:

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

Total Time Estimates: Evidence _____ Argument _____

c) Filing/serving requirements ordered at pre-trial _____

17. Other legal issues

a) _____

b) Time estimate for *voir dire*:

	<u>Evidence</u>	<u>Argument</u>
Crown	_____	Crown _____
Defence	_____	Defence _____
Total Time Estimates:	Evidence _____	Argument _____

c) Filing/serving requirements ordered at pre-trial _____

18. Position of Accused in Court

a) Will there be an application to have the accused is at counsel table? Yes No

b) Does the Crown consent? Yes No

19. Absence of Accused from Court

a) Will there be an application for the accused to be absent from the trial? Yes No

b) Does the Crown consent? Yes No

20. 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) Defence: What is the position of the defence? _____

e) Does the defence submit any offences are included in the count(s) in the indictment?

21. 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 <i>voir dire</i> :	<u>Evidence</u>	<u>Argument</u>
	Crown _____	Crown _____
	Defence _____	Defence _____
Total Time Estimates:	Evidence _____	Argument _____

22. Courtroom Security Issues

Does any party believe that increased courtroom security issues are raised in this case?

Yes No

Details: _____

23. Other Potential Legal Issues

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

- | | |
|---|---|
| <input type="checkbox"/> Accident | <input type="checkbox"/> Intoxication |
| <input type="checkbox"/> Alibis | <input type="checkbox"/> Drugs |
| <input type="checkbox"/> Automatism | <input type="checkbox"/> Alcohol |
| <input type="checkbox"/> Compulsion | <input type="checkbox"/> Knowledge |
| <input type="checkbox"/> Defence of property | <input type="checkbox"/> Necessity |
| <input type="checkbox"/> Diminished capacity | <input type="checkbox"/> Not criminally responsible |
| <input type="checkbox"/> Duress | <input type="checkbox"/> Possession |
| <input type="checkbox"/> Entrapment | <input type="checkbox"/> Provocation |
| <input type="checkbox"/> Honest, but mistaken belief in consent | <input type="checkbox"/> Self-defence |
| <input type="checkbox"/> Identity | |

25. Non-contentious Issues –

	Admitted	Not contested
Jurisdiction	<input type="checkbox"/>	<input type="checkbox"/>
Identity of the accused <input type="checkbox"/>	<input type="checkbox"/>	
Continuity of events	<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"/>

26. Other factual, evidentiary or legal admissions

- a) _____
- b) _____
- c) _____

REPORT TO TRIAL COORDINATOR

TRIAL : R. v. _____

1. **Counsel : Crown** _____ **Defence** _____

2. **Judges who are unable to preside because of prior involvement in case, or conflict:**

3. **Jury Trial** Yes No

4. **Challenge for Cause** Yes No

5. **Is a French-speaking judge required?** Yes No

Is a French-speaking jury panel required? Yes No

6. **Trial Date:** _____

7. **Is the accused in custody:** Yes No

8. **Special Needs:**

a) Interpreters: Language(s) _____

Number of interpreters _____

Is the interpreter required for:

i) The accused Yes No

ii) Witnesses Yes No

Directions re accused/witnesses meeting before trial: _____

b) Length of trial _____

c) Child friendly courtroom Yes No

d) Special equipment required:

i) Elmo projector Yes No

ii) Television and video equipment Yes No

iii) Teleconference facilities Yes No

iv) Other _____

9. Are religious books, other than the Bible, required for swearing witnesses: Yes No

If yes, please specify: _____

continued

10. Is a larger than normal jury panel required: Yes No

If yes, please specify number _____