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of the  
cole family

LAWFUL ADVISOR



PRIVATE PROSECUTOR

**CASE**  
**MANAGEMENT**  
**FILE**  
**DOCUMENT**  
**FOR COURT**  
**USE**

- This form:
  - collects information about the case that the court will need to arrange for trial: Criminal Procedure Rules 3.2 and 3.3
  - records the court's directions: Criminal Procedure Rules 3.5.

See the separate notes for guidance on the use of this form.

- After the court gives directions for trial, if:
  - information about the case changes, or
  - you think another direction is needed**you must tell the court at once.**

- If the defendant pleads not guilty, and the court requires:
  - the prosecutor must complete Parts 1 and 3
  - the defendant must complete Parts 2 and 3
  - the court will record directions in Parts 3 and 4.

The prosecutor may start filling in the form earlier.

Attach extra sheets if required. The electronic version of this form will expand.

**There is a list of case preparation time limits on page 6.**

## Part 1: to be completed by the prosecutor

**Defendant**

--

<input type="checkbox"/> Summons	<input type="checkbox"/> Bail	
<input type="checkbox"/> Requisition	<input type="checkbox"/> Custody	Time limit expires:

**Offence(s)**

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**Police / CPS URN**

--

**Date of first hearing**

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### 1 Prosecution contact details

Prosecuting authority

	<b>Phone</b>	
	<b>Fax</b>	
<b>Email</b>		

### 2 Case management information

2.1 Is the investigation complete?  Yes  No  
 If no, give brief details:

2.2 Does the prosecutor intend to serve more evidence?  Yes  No  
 If yes, give brief details:

2.3 The prosecution will rely on: [ ]  
*Tick / delete as appropriate*

defendant's admissions in interview		[ ]
defendant's failure to mention facts in interview		[ ]
[a summary] [a record] of the defendant's interview		[ ]
[expert] [hearsay] [bad character] evidence		[ ]
[CCTV] [electronically recorded] evidence		[ ]

What equipment (tape / DVD player, etc.) will be needed in the trial courtroom?

### 3 Application for directions

3.1 Does the prosecutor want the court to vary a case preparation time limit?  Yes  No  
 If yes, give details:

3.2 Does the prosecutor want the court to make any other direction?  Yes  No  
 If yes, give details:

**Part 2: to be completed by defendant or defendant's legal representative**

**4 Defendant's contact details**

Defendant	Address	Phone Mobile
	Email	

**5 Defendant's representative (if applicable)**

Solicitor		Phone Fax Ref
	Address	
	Email	

Representation is:

granted	<input type="checkbox"/>
Defendant's representative to complete	<input type="checkbox"/>
applied for	<input type="checkbox"/>
privately funded	<input type="checkbox"/>

**6 Advice on plea and absence**

Does the defendant understand that:

- (a) he or she will receive credit for a guilty plea ?  Yes  No  
*A guilty plea may affect the sentence and any order for costs*
- (b) the trial can go ahead even if he or she does not attend ?  Yes  No  
*CrimPR rule 37.11*

**7 Partial or different guilty plea**

If more than one offence is alleged, does the defendant want to plead guilty to any of them ?  Yes  No  N/A  
 If yes, which offence(s) ?  
 Does the defendant want to plead guilty, but not on the facts alleged ?  Yes  No  
 If yes, attach a written basis of plea.  
 Does the defendant want to plead guilty, but to a different offence ?  Yes  No  
 If yes, what offence ?

**8 Case management information**

8.1 Which of the following (if applicable) is **AGREED** ? Tick / delete as appropriate

- The defendant [carried out] [took part in] the conduct alleged (i.e. identification)  Yes  No  N/A
- The defendant was present at the scene of the offence alleged  Yes  No  N/A
- The defendant was arrested lawfully  Yes  No  N/A
- [Nature of Injury] [extent of loss or damage]  Yes  No  N/A  
If not agreed, explain what is in dispute:
- [Fingerprint] [DNA] evidence  Yes  No  N/A  
If not agreed, explain what is in dispute:
- [Medical] [identification of drug] [other scientific] evidence  Yes  No  N/A  
If not agreed, explain what is in dispute:
- The [alcohol] [drug] testing procedure was carried out correctly  Yes  No  N/A  
If not agreed, explain what is in dispute:

Exhibits and samples were collected and delivered as stated (i.e. continuity)  
If not agreed, explain what is in dispute:

Yes  No  N/A

Defendant's interview [summary] [record] is accurate  
If not agreed, explain what is in dispute:

Yes  No  N/A

The defendant was [disqualified from driving] [subject to the alleged court order] at the time of  
the offence alleged

Yes  No  N/A

The list of the defendant's previous convictions is accurate  
If not agreed, explain what is in dispute:

Yes  No  N/A

8.2 Other **AGREED** facts or issues are:  
Give details

Yes  No

8.3 Can **AGREED** facts be recorded in a written admission?  
If yes, a written admission [is set out here] [is attached] [will be served later].  
If no, explain why:

8.4 What are the **DISPUTED** issues of fact or law for trial, in addition to any identified in  
paragraph 8.1?

*CrimPR rules 3.2(2)(a), 3.3(*

8.5 Will the defendant give a defence statement?

Yes  No

*A defence statement must include particulars of facts relied on for the defence: Criminal  
Procedure and Investigations Act 1996, s.6A; Criminal Procedure Rules, r.22.4. There is a  
form of defence statement for use in connection with the rule.*

*Whether or not the defendant gives a defence statement, the defendant must give a notice  
indicating whether he or she intends to call any person (other than him or herself) as witnesses  
at trial and, if so, identifying them: Criminal Procedure and Investigations Act 1996, s.6C.*

## 9 Application for directions

9.1 Does the defendant want the court to vary a case preparation time limit?  
If yes, give details:

Yes  No

9.2 Does the defendant want the court to make any other direction?  
If yes, give details:

Yes  No

**Part 3: to be completed by prosecutor, defendant (or representative) and court**

**10 Prosecution witnesses**

10.1	<i>Prosecutor to complete</i>			<i>Defendant to complete</i>		<i>For the court</i>
	Name of witness	Tick if under 18	Attendance proposed	Can the evidence be read to the court ?	If no, what disputed issue in the case makes it necessary for the witness to give evidence in person ?	Attendance justified
1)		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/>
2)		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/>
3)		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/>
4)		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/>
5)		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/>
6)		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/>
7)		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/>
8)		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/>
9)		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/>
10)		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/>

10.2 *Prosecutor to complete*

- Does the prosecutor want special measures for a witness ?  Yes  No  
 If yes, give details:
- If the defendant is not represented, does the prosecutor want the court to prohibit cross-examination of a witness ?  Yes  No  
 If yes, give details:
- Does any witness need an interpreter ?  Yes  No  
 If yes, in what language ?

**11 Defence witnesses**

*Defendant to complete*

- Is the defendant likely to give evidence ?  Yes  No
- How many other defence witnesses are likely to give evidence in person ?   
*The defendant must give details separately of intended defence witnesses: see paragraph 8.5.*
- Does the defendant want measures to assist him/herself, or for a defence witness ?  Yes  No  
 If yes, give details:
- Will the defendant or any defence witness need an interpreter ?  Yes  No  
 If yes, in what language ?

**Signatures**

Signed: ..... for prosecution  
 Date: .....

Signed: ..... [defendant] [defendant's solicitor]  
 Date: .....

Part 4: court's directions for trial

12 Directions for trial

12.1  The prosecutor must serve any further evidence by: (date)

12.2  The prosecutor must complete initial disclosure by: (date)

12.3 The court expects those prosecution witnesses to give evidence in person whose names it has ticked in paragraph 10.1.

12.4 The court expects the evidence of other prosecution witness listed in paragraph 10.1 to be read.

12.5  Witness [summons] [warrant] for witness(es): insert name(s) CrimPR Part 28

12.6  Interpreter in language(s): for: arranged by: specify court, prosecution or defence
prosecution witness(es)
defendant
defence witness(es)

12.7  Special measures of: tick as appropriate for witness(es): insert name(s) CrimPR Part 29

screening witness from defendant

evidence by live link

evidence in private

video recorded interview as evidence in chief

intermediary

12.8  Defendants may not cross-examine witness(es): insert name(s) CrimPR Part 3
and the court directs representation by: name representative

12.9  Other arrangements for defendant or witnesses (specify): CrimPR rule 3.8(
CrimPR Part 2

12.10 Standard case preparation time limits apply [except] [with these variations]: CrimPR Part 3 e

12.11  Other directions:

12.12 Arrangements for hearing

Date:

Time:

Court:

Time estimate:

Form with lines for Date, Time, Court, and Time estimate. Includes text: A detailed trial timetable may be needed: CrimPR rules 3.8 & 3.10

Signed: .....

Name: ..... (block capitals) [on the direction of] [court]

Date: .....

## Standard case preparation time limits

*The court can vary any of these time limits. Time limits marked \* are not prescribed by rules.*

*The total time needed to comply with all these time limits is 6 weeks (9 weeks if paragraph m applies).*

**Written admissions** (Criminal Procedure Rules, r.37.6; Criminal Justice Act 1967, s.10)

- a. The parties must serve any written admissions of agreed facts within **14 days**.\*

**Defence statement** (Criminal Procedure Rules, r.22.4; Criminal Procedure and Investigations Act 1996, s.6)

- b. Any defence statement must be served within **14 days** of the prosecutor completing or purporting to complete initial disclosure.

**Defence witnesses** (Criminal Procedure and Investigations Act 1996, s.6C)

- c. Defence witness names, etc. must be notified within **14 days** of the prosecutor completing or purporting to complete initial disclosure.

**Application for disclosure** (Criminal Procedure Rules, rr.22.2 & 22.5; Criminal Procedure and Investigations Act 1996, s.8)

- d. The defendant must serve any application for prosecution disclosure when serving any defence statement.\*  
e. The prosecutor must serve any representations in response within **14 days** after that.

**Witness statements** (Criminal Procedure Rules, r.27.4; Criminal Justice Act 1967, s.9)

- f. The defendant must serve any defence witness statement to be read at trial at least **14 days before the trial**.\*  
g. Any objection to a witness statement being read at trial must be made within **7 days of service of the statement**. *This does not apply to the statements listed in paragraph 10.1.*

**Measures to assist a witness or defendant to give evidence** (Criminal Procedure Rules, rr.29.3, 29.13, 29.17, 29.22, 29.26)

- h. Any [further] application for special or other measures must be served within **14 days**.  
i. Any representations in response must be served within **14 days after that**.

**Cross-examination where defendant not represented** (Criminal Procedure Rules, rr.31.1, 31.4)

- j. The defendant must serve notice of any representative appointed to cross-examine within **7 days**.  
k. The prosecutor must serve any application to prohibit cross-examination by the defendant in person as soon as reasonably practicable.  
l. Any representations in response must be served within **14 days after that**.

**Expert evidence** (Criminal Procedure Rules, rr.33.4, 33.6)

- m. If either party relies on expert evidence, the directions below apply.  
(i) The expert's report must be served within **28 days**.\*  
(ii) A party who wants that expert to attend the trial must give notice within **7 days after (i)**.\*  
(iii) A party who relies on expert evidence in response must serve it within **14 days after (ii)**.\*  
(iv) There must be a meeting of experts under rule 33.6 within **14 days after (iii)**.\*  
(v) The parties must notify the court **immediately after (iv)** if the length of the trial is affected by the outcome of the meeting.\*

**Hearsay evidence** (Criminal Procedure Rules, rr.34.2, 34.3)

- n. The prosecutor must serve any notice to introduce hearsay evidence within **14 days**.  
o. The defendant must serve any notice to introduce hearsay evidence as soon as reasonably practicable.  
p. Any application to determine an objection to hearsay evidence must be served within **14 days of service** of the notice or evidence.

**Bad character evidence** (Criminal Procedure Rules, rr.35.2, 35.3, 35.4)

- q. The prosecutor must serve any notice to introduce evidence of the defendant's bad character within **14 days**.  
r. Any application to determine an objection to that notice must be served within **14 days after that**.  
s. Any application to introduce evidence of a non-defendant's bad character must be served within **14 days of prosecution disclosure**.  
t. Any notice of objection to that evidence must be served within **14 days after that**.

**Previous sexual behaviour evidence** (Criminal Procedure Rules, rr.36.2, 36.3, 36.4, 36.5)

- u. The defendant must serve any application for permission to introduce evidence of a complainant's previous sexual behaviour within **28 days of prosecution disclosure**.  
v. The prosecutor must serve any representations in response within **14 days after that**.

**Point of law** (Criminal Procedure Rules, rr.3.3, 3.9)

- w. Any skeleton argument must be served at least **14 days before the trial**.\*  
x. Any skeleton argument in reply must be served within **7 days after that**.\*

**Trial readiness** (Criminal Procedure Rules, rr.3.3, 3.9)

- y. The parties must certify readiness for trial at least **14 days before the trial**, confirming which witnesses will give evidence in person and the trial time estimate.\*