

Form 4.10 **Supreme Court criminal
proceeding—pre-trial
questionnaire**

Court Procedures Rules 2006

(see r 4733 (Supreme Court criminal proceedings—appearance when committed for trial))

In the Supreme Court of the Australian Capital Territory

Criminal jurisdiction

No SCC of (*year*)

The Queen

and

(*name of accused person*)

Completed by:

Accused person

DPP

Filed for the accused person by:

*(the accused person's address for service and telephone number or, if the
accused person is represented by a solicitor who is the agent of another
solicitor, the name and place of business of the other solicitor)*

Item	Question	DPP	Accused
1	Name of solicitor handling matter (<i>if accused person is self-represented, state self-represented</i>)		
2	Solicitor's email address (<i>if accused person is self-represented, accused person's email address</i>)		
3	Name of counsel		
4	Counsel's email address		
5	Are there co-accused? If so, identify them.		
6	Will there be an application for a separate trial (including an application to sever the indictment)? (see rule 4751)		
7	Will there be an application to set aside or stay the proceedings? (see rule 4750)		
8	Is there likely to be any issue as to the accused person's fitness to plead? (see <i>Crimes Act 1900</i> , div 13.2)		

Item	Question	DPP	Accused
9	Will there be a pre-trial hearing? <i>(see Evidence (Miscellaneous Provisions) Act 1991, div 4.2B)</i>		
10	(a) Has the prosecution given the accused person all statements of the witnesses it proposes to call? (b) If not, when will they be given?	(a) (b)	(a) (b)
11	(a) Is there any evidence that the prosecution proposes to call or tender that has not been given to the accused person? (b) If so, what is the evidence? (c) When will the evidence be given?	(a) (b) (c)	(a) (b) (c)
12	Is there an intention to adduce tendency evidence? <i>(see Evidence Act 1995 (Cwlth), s 97 and rule 6752)</i>		
13	Is there an intention to adduce coincidence evidence? <i>(see Evidence Act 1995 (Cwlth), s 98 and rule 6753)</i>		

Item	Question	DPP	Accused
14	<p>(1) Will there be a pre-trial application:</p> <p>(a) about admissibility of evidence?</p> <p>(b) about any other question of law affecting the conduct of the trial?</p> <p>(c) that could postpone or delay the trial if the application were granted?</p> <p>(d) that should otherwise be heard before the start of the trial?</p> <p>(see rule 4752)</p> <p>(2) If so:</p> <p>(a) what is the nature of the pre-trial application?</p> <p>(b) what is the estimate of time?</p>	<p>(1)</p> <p>(a)</p> <p>(b)</p> <p>(c)</p> <p>(d)</p> <p>(2)</p> <p>(a)</p> <p>(b)</p>	<p>(1)</p> <p>(a)</p> <p>(b)</p> <p>(c)</p> <p>(d)</p> <p>(2)</p> <p>(a)</p> <p>(b)</p>

Item	Question	DPP	Accused
15	Which if any of the following defences will be raised: (a) alibi (b) self-defence (c) mental impairment (d) automatism (e) claim of right (f) duress (identifying the source) (g) non self-induced intoxication leading to inability to form the required intention.	(a) (b) (c) (d) (e) (f) (g)	(a) (b) (c) (d) (e) (f) (g)
16	Will there be an election for trial by judge alone?		
17	How long is the trial likely to take?		

Item	Question	DPP	Accused
18	Will there be an application for— (a) use of closed-circuit television? (b) use of a witness screen? (c) use of video equipment? (d) use of audio equipment? (e) evidence to be taken by telephone? (f) a view?	(a) (b) (c) (d) (e) (f)	(a) (b) (c) (d) (e) (f)
19	(a) Will an interpreter be required? (b) If so, in what language?	(a) (b)	(a) (b)
20	(a) Is an intermediary required? (b) If so, has one been appointed?	(a) (b)	(a) (b)

Item	Question	DPP	Accused
21	<p>The Court directed that this matter be listed in the following sittings: <i>(DPP to insert sittings)</i></p> <p>which cover the following dates: <i>(DPP to insert dates)</i></p> <p>State any unavailable dates during the sittings for counsel or witnesses</p>		