

## **ROYAL COURT OF JERSEY**

**RC 21/02**

### **New Plea and Directions Hearing Form in Criminal Cases**

In all criminal cases where a defendant pleads not guilty in the Royal Court, the case is listed for a plea and directions hearing before the trial judge.

Prior to that hearing, a plea and directions hearing form is completed by counsel.

A new plea and directions hearing form which substitutes the existing form is attached hereto. It is to be used in all plea and directions hearings from now on.

The plea and directions hearing form should be completed electronically by counsel and filed with the Court bearing the file reference no less than two working days prior to the hearing. In the near future, all such hearings will be the subject of electronic bundles filed in accordance with the recent Practice Direction RC21/01.

The electronic (and in the interim paper) bundles must consist of:

- 1) The plea and directions hearing form;
- 2) The prosecution summary;
- 3) The defence case statement;
- 4) The defendant's antecedents; and
- 5) Any other material that the judge should consider at the directions hearing, e.g. applications for special measures.

It is essential that counsel update and file the plea and directions hearing form after the hearing by 5pm on the day of the hearing in order to incorporate any amendments to the same necessitated by rulings given by the judge at the hearing. The updated form should be filed with the Greffier present at the hearing and with [JGRCourtdocuments@courts.je](mailto:JGRCourtdocuments@courts.je)

<b>In the Royal Court of Jersey</b>		
<b>[Court Reference]</b>		
<b>Plea and Directions Hearing Form</b>		
<i>A copy of this form must be completed as far as possible with the agreement of the parties and filed with the Court prior to the commencement of the Plea and Directions Hearing</i>		
<b>Attorney General v</b>		
<b>Date and time of PDH</b>		
<b>Prosecution Advocate</b>		
<b>Defence Advocate</b>		
<b>Defendant remand status</b>		
<b>Trial commencement date</b>		
<b>Trial time estimate</b>		
<b>Charges</b>		
<b>Section 1 – Prosecution</b>		
<b>A</b>	Does the prosecution seek any changes to the indictment?	
<b>B</b>	Does the prosecution intend to serve any further evidence?	
	If so:	
	a) What are the witnesses' names?	
	b) What does the evidence relate to?	
	c) By what date will it be served?	
<b>C</b>	Are there other criminal proceedings outstanding against the defendant?	
<b>D</b>	Is the prosecution seeking to join any other defendants to the indictment?	

Section 2 – Defence		
<b>A</b>	Is there any issue regarding the defendant's fitness to plead?	
<b>B</b>	Are the not guilty pleas likely to be maintained through to trial?	
<b>C</b>	Has the defence advocate advised on the strength of the evidence and the reduction in sentence that may apply in the case of a guilty plea?	
<b>D</b>	Is the defendant willing to offer a guilty plea to an alternate offence and/or on a limited factual basis?	
<b>E</b>	State the nature of the defence and the key issues (factual or legal) which are in dispute?	
<b>F</b>	Is there any alibi which should have been disclosed in accordance with Art 6 of the Criminal Justice (Evidence and Procedure) (Jersey) Law 1998?	
<b>G</b>	Has a Defence Case Statement been filed in accordance with Article 83 CPL?	
<b>H</b>	Has a Defence witness notice been filed in accordance with Article 84 CPL?	
Section 3 – Unused material		
<b>A</b>	Has the prosecution discharged its duty to disclose unused material in accordance with Art.82 CPL?	
<b>B</b>	Has a schedule of unused material been provided to the defence?	
<b>C</b>	Has the defence considered the question of disclosure of unused material and raised any queries with the prosecution?	
<b>D</b>	Are there any outstanding requests for disclosure?  If so, when will those requests be addressed?	

## Section 4 – Witnesses

<b>A</b>	Which prosecution witnesses will be called to give live evidence?	1) 2) 3) 4) 5)
<b>B</b>	Do the Defence intend to cross examine all of the above-mentioned witnesses?	
<b>C</b>	Which prosecution witness evidence is not in dispute and will be read or reduced to admissions of fact?	1) 2) 3) 4) 5)
<b>D</b>	How many Defence witnesses will be called to give live evidence?	
<b>E</b>	Do any of the witnesses have a mental or physical condition that might affect the giving of evidence?	
<b>F</b>	Does either party intend to make an application for special measures?  If so:	
	a) What special measures are sought?	<input type="checkbox"/> Screens <input type="checkbox"/> Video link <input type="checkbox"/> Evidence to be taken before the Viscount <input type="checkbox"/> Video recorded interview with child or vulnerable witness <input type="checkbox"/> Appointment of an intermediary <input type="checkbox"/> Other (state below)
	b) Is the application contested?	
	c) Is a ground rules hearing required?	
<b>G</b>	Does the defendant or any witness require an interpreter?  If so:	
	a) What language?	
	b) What arrangements have been made to secure an interpreter for the trial?	
	c) Name of the interpreter (if instructed)	

<b>Section 5 – Evidence</b>		
<b>A</b>	<b>Expert evidence</b>	
	Does either party rely on expert evidence?  If so:	
	a) State the name of the expert	
	b) What is the nature of the evidence?	
	c) Have the requirements of the Criminal Procedure (Notice of Expert Evidence) (Jersey) Rules 2000 been satisfied?	
	d) Will there be a meeting of the experts to establish what of their evidence can be agreed?	
<b>B</b>	<b>Admissions of fact</b>	
	What efforts have been made to agree admissions of fact pursuant to Article 3 of the Criminal Justice (Evidence and Procedure) (Jersey) Law 1998?	
<b>C</b>	<b>Interview evidence</b>	
	What efforts have been made to agree a summary of the interview transcripts?	
<b>D</b>	<b>Video and audio evidence</b>	
	Does either party intend to rely on video or audio evidence at the trial?  If so, have arrangements been made for the set-up of technical facilities?	
<b>Section 6 – Legal issues and applications</b>		
<b>A</b>	Does either party seek to rely on bad character evidence?	
<b>B</b>	Does either party seek to rely on hearsay evidence?	
<b>C</b>	Does either party intend to make an application to exclude evidence?	
<b>D</b>	Does either party intend to make any other applications or raise any other point of law?	
<b>Section 7 – Adjournments</b>		

Has either party identified a risk of an application to adjourn the trial?		
<b>Section 8 – Trial preparation</b>		
<b>A</b>	<p>What case management directions are proposed in respect of the prosecution?</p> <p>(for example, the drafting of admissions, interview summaries, service of skeleton arguments etc.)</p> <p>*For directions concerning outstanding actions, state the date by which the Prosecution expects to be in a position to fulfil the direction.</p>	
<b>B</b>	<p>What case management directions are proposed in respect of the defence?</p> <p>*For directions concerning outstanding actions, state the date by which the Defence expects to be in a position to fulfil the direction.</p>	
<b>Section 9 – Other matters</b>		
<b>A</b>	Does either party wish to raise any other case management matters?	

Signed:	Signed:
Dated:	Dated:
Prosecution Advocate Print Name: Address/Firm	Defence Advocate Print Name: Address/Firm