

PRACTICE NOTE

CRIMINAL DIVISION FINAL DIRECTIONS

The Criminal Division of the Supreme Court will operate on a pilot basis a **FINAL DIRECTIONS** variation of pre-trial procedure for obtaining information relevant to criminal trials approximately a week before the fixed trial date.

Approximately 10 days before the date fixed for the trial, John Andrews of the Criminal Trial Listings Directorate will schedule a **FINAL DIRECTIONS** mention hearing before a Judge, at a nominated date (usually 7 days before the trial date), time (usually 9.30 a.m.) and place (usually the courtroom of the Judge). Details of the Judge, date, time, venue and a Request for **FINAL DIRECTIONS** particulars will be emailed by John Andrews to those lawyers for the parties who have provided email details to John Andrews at the Case Conference. Lawyers not providing email details will be responsible for otherwise maintaining contact with John Andrews.

Prosecutors and Defence Counsel must prepare for such **FINAL DIRECTIONS**. Preparation will necessitate Prosecutors and Defence Counsel conferring, in the period of 7 to 10 days before the trial date, as to **FINAL DIRECTIONS** particulars required by the Court, namely:

1. The estimated hearing time, for provision to the jury;
2. A list of witnesses, for provision to the jury;
3. An outline of issues, for provision to the jury;
4. A statement of any matters to be resolved by the trial judge before the empanelment of the jury;
5. A bullet-point outline of arguments as to matters to be resolved by the trial judge;
6. A bullet-point outline of any alleged lies and other post offence conduct sought to be relied on by the prosecution as showing consciousness of guilt;
7. A bullet-point outline of the bases of criminal responsibility sought to be relied on by the prosecution in any case against more than one accused;
8. A list of any amendments agreed to be made to any record of interview;
9. A list of any photographs agreed not to be introduced into evidence;
10. (Where appropriate) A chronology of agreed facts and a statement of matters admitted by the accused under s.149A of the Evidence Act.

Wherever practicable the **FINAL DIRECTIONS** hearing will be held before the judge allocated to hear the trial. The above **FINAL DIRECTIONS** arrangements will be strictly applied subject to any order by the judge. The above arrangements may be the subject of variation or additional orders in the case of long criminal trials.

This pilot will come into effect from Monday 3 May 2004 and operate until further notice.

Michele Rowland
Senior Associate to the Chief Justice
7 April 2004