

LEGAL NOTICE NO. 91

REPUBLIC OF TRINIDAD AND TOBAGO

THE ADMINISTRATION OF JUSTICE (INDICTABLE PROCEEDINGS) ACT, 2011

RULES

MADE BY THE RULES COMMITTEE UNDER SECTION 78(A) OF THE SUPREME COURT OF JUDICATURE ACT, CHAP. 4:01; SECTION 77(1) OF THE CRIMINAL PROCEDURE ACT, CHAP. 12:02; SECTION 14(C) OF THE EVIDENCE ACT, CHAP. 7:01 AND SECTION 32 OF THE ADMINISTRATION OF JUSTICE (INDICTABLE PROCEEDINGS) ACT AND SUBJECT TO NEGATIVE RESOLUTION OF PARLIAMENT

THE CRIMINAL PROCEDURE RULES, 2013`

1. Citation and Commencement

1.1 These Rules may be cited as the Criminal Procedure Rules, 2013.

1.2 These Rules shall come into force on 2nd August, 2013.

2. Interpretation and Form of Documents

2.1 In these Rules, unless the context otherwise requires—

“accused” means a person against whom a complaint is made or an indictment is preferred;

“the Act” means the Administration of Justice (Indictable Proceedings) Act, 2011;

“court” means a Master or a Judge of the High Court;

“court office” means—

(a) the place where documents are to be filed, etc., and includes a registry or sub-registry; and

(b) where work of a formal or administrative nature is to be dealt with by members of the court staff;

“filing” in relation to a document, means delivering, sending it by facsimile transmission or posting it to the appropriate court office and is not completed until the document is received at that office;

“Keeper” means the officer having the charge of any prison in Trinidad and Tobago;

“Master” means a Master of the High Court;

“participant” means anyone involved in any way with the conduct of a criminal case; and

“party” includes both the party to the criminal case and any attorney-at-law on record for that party unless any rule specifies or it is clear from the context that it relates to the accused or to the attorney-at-law.

2.2 Documents

(1) So far as is practicable, every document prepared for use in the Supreme Court must be on “letter size” paper; approximately 11 inches long by 8.5 inches wide. Margins of 1" (25 mm) must be left at top and bottom and of 1.5" (38 mm) at each side.

(2) Every document to be filed at the court must be headed with the title of the proceedings and—

- (a) a description of the document;
- (b) a statement of the nature of the case;
- (c) be endorsed with the following:

- the name;
- bar number;
- address;
- telephone and fax numbers (if any); and
- e-mail address (if any),

of the attorney-at-law filing the document, and where an advocate attorney has been instructed,

- the name;
- bar number;
- telephone and fax numbers (if any); and
- e-mail address (if any),

of that advocate attorney.

3. The overriding objective

3.1 It is the duty of the court and all parties and participants, where the context so requires, to further the overriding objective.

3.2 The overriding objective of these Rules is that criminal cases be dealt with justly.

3.3 Dealing with a criminal case justly includes—

- (a) dealing with the prosecution and the defence fairly;
- (b) ensuring the protection of all the rights of an accused;
- (c) considering the interests of the accused, witnesses, victims and jurors;

- (d) dealing with the case efficiently and expeditiously;
- (e) ensuring that appropriate information is available to the court particularly when bail or sentence is under consideration; and
- (f) dealing with the case in ways that take into account—
 - (i) the gravity of the offence;
 - (ii) the complexity of the matter;
 - (iii) the consequences for an accused and others who may be affected;
 - (iv) the needs of other cases; and
 - (v) allotting the case an appropriate share of the court's resources, while taking into account the need to allot resources to other cases.

3.4 The court must seek to give effect to the overriding objective when it—

- (a) exercises any discretion given to it by the Rules; or
- (b) interprets the meaning of any rule or practice direction.

3.5 It is the duty of all parties in a criminal case to—

- (a) prepare and conduct the case in accordance with the overriding objective;
- (b) comply with these Rules, practice directions and orders and directions made by the court; and
- (c) inform the court and all parties immediately of any significant failure (whether or not that party is responsible for that failure) to take any procedural step required by these Rules, practice directions or any orders or directions made by the court.

3.6 Under these Rules unless the context makes it clear that something different is meant, anything that a party may or shall do may be done—

- (a) by an attorney-at-law on that party's behalf;
- (b) by a person with the company's written authority, where that party is a company;
- (c) with the help of a parent, guardian or other adult as the court may determine where that party is an accused—
 - (i) who is under eighteen years of age; or
 - (ii) whose understanding of what the case involves is limited.

4. When these Rules apply

4.1 These Rules apply in all criminal cases in the High Court and in the Magistrates' Courts when dealing with indictable matters.

5. Time computation

5.1 This rule shows how to calculate any period of time for doing any act which is fixed—

- (a) by these Rules;
- (b) by any practice direction; or
- (c) by any order or direction of the court.

5.2 All periods of time expressed as a number of days are to be computed as clear days.

5.3 In this rule, “clear days” means that in computing the number of days the day on which the period begins and the day on which the period ends are not included.

5.4 Where the specified period—

- (a) is 5 days or less; and
- (b) includes—
 - (i) a Saturday or Sunday; or
 - (ii) any other day on which the court office is closed,

that day does not count.

5.5 When the period fixed by—

- (a) these Rules;
- (b) any practice direction; or
- (c) any order or direction,

for doing any act at the court office ends on a day on which the court is closed, it shall be in time if done before 4 p.m. on the next day on which the court is open.

5.6 When the period fixed by—

- (a) these Rules;
- (b) any practice direction; or
- (c) any order or direction,

for doing any act which does not need to be done at court ends on—

- (i) a Saturday or Sunday;
- (ii) any public holiday; or
- (iii) Carnival Monday or Carnival Tuesday,

it must be done before 4 p.m. on the next ordinary business day.

6. Rules for Magistrates when dealing with indictable matters

6.1 This rule applies to cases for trial on the transmission of a matter from the Magistrates' Court to the High Court pursuant to an application under section 4(2) and under the provisions of section 8(6) and section 10 of the Act.

6.2 An application under section 4(2) of the Act may be made orally before a Magistrate who has conduct of the proceedings.

6.3 As soon as practicable or in any case within 14 days after the election is made to appear before a Master, the Magistrate shall transmit to the High Court the record of the proceedings including where relevant—

- (a) the information;
- (b) the depositions or sworn statements of witnesses;
- (c) documentary evidence including any documentary exhibit;
- (d) the evidence (if any) of the accused person; and
- (e) any recognisance entered into by any person.

6.4 The Magistrate shall specify the High Court location at which the hearing will take place.

6.5 Where in the exercise of his power under section 10 of the Act, a Magistrate remands an accused to appear before a Master, the Magistrate shall within seven days thereafter—

- (a) transmit the record of proceedings and all relevant evidence to a Master;
- (b) specify each offence with which the accused is charged; and
- (c) specify the High Court location at which the hearing will take place.

6.6 Where the accused indicates a wish to plead guilty to any or all of the charges, the Magistrate shall make a record of such indication on the proceedings.

7. Bail Hearings before the Magistrate

7. In the exercise of the power under the Act to remand the accused into custody for the purpose of considering bail, the Magistrate may grant a single adjournment for a period not exceeding two days.

8. Initial Hearing

8. In making a Scheduling Order, the Master shall also specify a date for the disclosure of all material matters.

9. Sufficiency Hearing

9.1 A sufficiency hearing may, at the discretion of the Master, be held *in camera*.

9.2 A Master conducting a sufficiency hearing may direct that submissions from the parties be made in writing.

Form 1

9.3 Where a party to the proceedings requires an oral hearing, an application in writing with reasons must be made to the Master.

9.4 A Master may set a timetable for oral submissions at a sufficiency hearing.

9.5 Where, at a sufficiency hearing, a Master concludes that a *prima facie* case is made out against the accused for any indictable offence, the Master may—

- (a) set a date for a directions hearing to be heard within 56 days; or
- (b) make such further directions as may be necessary to progress the case.

10. Directions Hearing

Form 2

10.1 Before the date set for the commencement of a directions hearing, counsel on record for each accused person, and the prosecutor assigned to conduct the prosecution, shall each complete and sign a Directions Hearing Questionnaire and ensure that the questionnaire is filed and served in accordance with these Rules or any directions of the Judge or Master.

10.2 Unless otherwise ordered by a Judge or Master or where an accused will be pleading guilty, the prosecutor shall file a Directions Hearing Questionnaire no later than 14 days before the date scheduled for the first directions hearing.

10.3 Unless otherwise ordered by the Judge or Master or where the accused will be pleading guilty, counsel on record for each accused, or any self-represented accused shall file and serve a Directions Hearing Questionnaire on the prosecutor, and counsel for each co-accused and on every other self-represented accused no later than 7 days before the date scheduled for the first directions hearing, even if any other party has failed to file and serve his questionnaire, or otherwise failed to comply with this Rule.

10.4 Where a self-represented accused is in custody, the court shall make arrangements to have his questionnaire collected, filed and served.

10.5 The court shall also ensure that the filed questionnaire(s) of the other parties involved in the case are served on a self-represented accused who is in custody.

10.6 If, after filing a Directions Hearing Questionnaire, any party changes any position taken on that questionnaire, he shall file an application with the court office and serve the application on other parties on record of the change in position.

10.7 Any application made under rule 10.6 shall be made to a Judge or Master no later than one month before the date set for the trial of the matter.

11. The Duty of the Court

11.1 The court shall further the overriding objective by actively managing the case.

11.2 Active case management includes—

- (a) the early identification of the real issues;
- (b) the early identification of the needs of participants;
- (c) achieving certainty as to what shall be done, by whom, and when, in particular by the early setting of a timetable for the progress of the case;
- (d) monitoring the progress of the case and compliance with directions;
- (e) ensuring that evidence, whether disputed or not, is presented in the shortest and clearest way;
- (f) discouraging delay, dealing with as many aspects of the case as possible on the same occasion, and avoiding unnecessary hearings;
- (g) encouraging the participants to co-operate in the progression of the case;
- (h) making use of technology; and
- (i) any other matter the court deems necessary.

11.3 The court shall actively manage the case by giving any direction appropriate to the needs of that case as early as possible.

12. The Duty of the Parties

12.1 Each party shall—

- (a) actively assist the court in fulfilling its duty under Rule 3.1, whether or not the court has made a direction; and
- (b) apply for a direction, if needed.

12.2 In fulfilling his duty under this rule each party shall—

- (a) comply with directions given by the court;
- (b) take every reasonable step to make sure its witnesses attend when needed;

- (c) make appropriate arrangements to present any written or other material; and
- (d) promptly inform the court and the other parties of anything that may—
 - (i) affect the date or duration of the trial; or
 - (ii) significantly affect the progress of the case in any other way.

Forms 3A and
3B

12.3 The court may require a party to give a certificate of readiness.

13. Trial Management

13. In order to manage a trial, the court—

- (a) must establish, with the active assistance of the parties, what are the disputed issues;
- (b) must set a timetable that takes into account —
 - (i) the disputed issues;
 - (ii) any timetable proposed by a party; and
 - (iii) any other relevant matters;
- (c) may require a party to identify—
 - (i) which witnesses that party wants to give evidence in person;
 - (ii) the order in which its witnesses are to give evidence;
 - (iii) whether that party requires an order compelling the attendance of any witness;
 - (iv) what arrangements are desirable to facilitate the giving of evidence by a witness;
 - (v) what arrangements are desirable to facilitate the participation of any other person including the accused;
 - (vi) what written evidence that party intends to introduce;
 - (vii) what other material, if any, that person intends to make available to the court in the presentation of the case; and
 - (viii) whether that party intends to raise any point of law that could affect the conduct of the trial or; and
- (d) may limit—
 - (i) the examination, cross-examination or re-examination of a witness; and
 - (ii) the duration of any stage of the hearing.

14. The Court's Case Management Powers

14.1 In fulfilling its duty under rule 3.1 the court may give any direction and take any step actively to manage a case.

14.2 In particular, the court may—

- (a) give a direction on its own initiative or on application by a party;
- (b) ask or allow a party to propose a direction;
- (c) for the purpose of giving directions, receive applications and representations by letter, by telephone or by any other means of electronic communication, and conduct a hearing by such means;
- (d) fix, bring forward, extend, cancel, or adjourn a hearing;
- (e) give directions without a hearing;
- (f) shorten or extend (even after it has expired) a time limit fixed by a direction;
- (g) require that issues in the case should be determined separately and decide in what order they will be determined; and
- (h) specify the consequences of failing to comply with a direction.

14.3 Any power to give a direction under this Part includes a power to vary or revoke that direction.

14.4 If a party fails to comply with a rule or a direction, the court may—

- (a) fix, postpone, bring forward, extend, cancel or adjourn a hearing;
- (b) exercise its powers to make a costs order; and
- (c) impose such other sanction as may be appropriate.

15. Application to vary a Direction

15.1 A party may apply to vary a direction if—

- (a) the court gave it without a hearing;
- (b) the court gave it at a hearing in his absence; or
- (c) circumstances have changed.

15.2 A party who applies to vary a direction shall—

- (a) apply promptly after he becomes aware of the grounds for doing so; and
- (b) give as much notice to the other parties as the nature and urgency of his application permits.

16. Agreement to vary a time limit fixed by a Direction

16. The parties may agree to vary a time limit fixed by a direction, but only if—

- (a) the variation will not—
 - (i) affect the date of any hearing that has been fixed; or
 - (ii) significantly affect the progress of the case in any other way;
- (b) the court has not prohibited variation by agreement; and
- (c) the court is promptly informed.

17. Case preparation and progression

17.1 At every hearing, if a case cannot be concluded there and then the court shall give directions so that it can be concluded at the next hearing or as soon as possible after that.

17.2 At every hearing the court shall, where relevant—

- (a) if the accused is absent, decide whether to proceed nonetheless;
- (b) set, follow or revise a timetable for the progress of the case, which may include a timetable for any hearing including the trial;
- (c) in giving directions, ensure continuity in relation to the court and to the parties' representatives where that is appropriate and practicable; and
- (d) where a direction has not been complied with, find out why, identify who was responsible, and take appropriate action.

18. Case Management Forms and Records

Forms 1, 2
and 3

18.1 The Application form, Directions Hearing Questionnaire and Certificates of Readiness set out as Forms 1, 2 and 3 shall be used where relevant and where there is no form, then no specific formality is required.

18.2 The court shall issue and make available to the parties any order or directions given.

19. Practice Directions and Guides

19.1 The Chief Justice may issue practice directions and practice guides in furtherance of the Act and these Rules.

Publication of Practice Directions and Effective Date

19.2 Practice directions must be—

- (a) published in the *Trinidad and Tobago Gazette*; and
- (b) displayed and made available at each court office.

19.3 A practice direction takes effect from the date of publication in the *Trinidad and Tobago Gazette* unless the direction specifies some other date.

Compliance with Practice Directions and Guides

19.4 (1) If a party fails to comply with a practice direction, the court may make a costs order against him in accordance with rule 14.4.

(2) The court may take into account the failure of any party to comply with any practice guide when deciding whether or not to make a costs order in accordance with rule 14.4.

20. Service of Documents

Personal Service

20.1 (1) A document is served personally on an individual by handing it to, or leaving it with, the person to be served.

(2) Where a document is left in accordance with subrule (1) the nature and the contents of the document must be explained by the serving party.

(3) Service is deemed to be effected on the day it is handed to, or left with, the person being served.

Service on a Company

20.2 (1) A document is served on a company by handing it to and leaving it with a director, officer, receiver, receiver-manager or liquidator of the company or by prepaid post addressed to the registered office of the company.

(2) Where service is effected on a company by pre-paid post addressed to the registered office of that company, service is deemed to be effected on the fourteenth day from the date the document was posted.

Service on a person in custody

20.3 (1) Service on a person in custody may be effected by handing the document to the Keeper or a person designated by him addressed to the person to be served.

- (2) The Keeper or a person designated by him must—
- (a) endorse it with time and date of receipt;
 - (b) record its receipt; and
 - (c) forward it promptly to the addressee.

Address for serving documents not required to be served personally

20.4 (1) Where a document is not required to be served personally, and a party has given an address at which documents for him may be served, the documents may be delivered or posted to him at that address.

(2) If the party has given a facsimile transmission number in his address for service the documents may be sent by facsimile transmission to that number.

Service by electronic means

20.5 (1) This rule applies where—

- (a) the person or company to be served—
 - (i) has given an electronic address; and
 - (ii) has agreed to accept service by electronic means; or
- (b) the person to be served is legally represented in the case and the representative has given an electronic address.

(2) A document may be served by transmitting it by electronic means to that person or representative, as appropriate, at that address.

(3) Where a document is served under this rule the person serving it need not provide a paper copy as well.

(4) Where service is effected by electronic means service is deemed to be effected on the next business day after the document was transmitted.

Alternative methods of service

20.6 (1) Instead of personal service, a party may apply to the court for an alternative method of service.

(2) Where a party chooses an alternative method of service and the court is asked to take any step on the basis that the document has been served, the party who served the document must prove service to the satisfaction of the court by filing an affidavit—

- (a) giving details of the method of service used;
- (b) showing that—
 - (i) the person intended to be served was able to ascertain the contents of the documents; or
 - (ii) it is likely that he would have been able to do so; and
- (c) stating the time when the person served was or was likely to be in a position to ascertain the contents of the documents.

(3) The court office must immediately refer to the court for consideration any affidavit filed under subrule (2).

(4) If the court is not satisfied with the method of service the court office must fix a date, time and place to consider making an order and give at least 3 days notice to the party making the application.

Service by person in custody

20.7 (1) In instituted proceedings, a person in custody may serve a document by handing it to the Keeper or a person designated by him addressed to the person to be served.

(2) The Keeper or a person designated by him must—

- (a) endorse it with time and date of receipt;
- (b) record its receipt; and
- (c) forward it promptly to the relevant court office for transmission to the addressee.

21. Documents to be served personally

21. The following documents are to be served personally:

- (a) complaints or indictments;
- (b) summonses issued pursuant to section 6 of the Act;
- (c) *Writs of Subpoena ad testificandum* or *Writs of Subpoena duces tecum*;
- (d) applications, written statements or notices alleging conduct constituting contempt of court; and
- (e) notices which require personal service by any enactment.

22. Permitted place of service

22. Except as permitted by rule 20, a document must be served at a place within the jurisdiction.

23. Proof of personal service

23. (1) Personal service of any document is to be proved by an affidavit sworn by the server of the document stating—

- (a) the date and time of service;
- (b) the precise place or address at which it was served;
- (c) precisely how the person served was identified; and
- (d) precisely how service was effected.

(2) Where the person served was identified by another person, there must also be filed where practicable an affidavit by that person proving the identification of the person served and stating how the person was able to identify the person served.

(3) Where the server identified the person to be served by means of a photograph or description, there must also be filed an affidavit by a person verifying the description or photograph as being the person intended to be served and stating how that person was able to verify the description or photograph as being the person intended to be served.

24. Power of court to dispense with service

24. (1) The court may dispense with service of a document if it is appropriate to do so.

(2) An application for an order to dispense with service may be made without notice.

25. Service of court process outside the jurisdiction

25. (1) Where process is required to be served outside Trinidad and Tobago, it shall be served in accordance with sections 14 and 33B of the Mutual Assistance in Criminal Matters Act, Chap. 11:24.

(2) For the purposes of this Rule, “process” includes a summons, order, *subpoena* or other similar document issued by a court requiring a person to attend the court in relation to criminal proceedings.

FORM 1: APPLICATION FORM

(Rule 9)

(Offence)

Advocate (Name of Advocate) (Bar no.)

(Tel No., Fax no., E-mail address)

REPUBLIC OF TRINIDAD AND TOBAGO

IN THE HIGH COURT OF JUSTICE

Cr. No.

BETWEEN

THE STATE

AND

A. B.

Accused

APPLICATION

The [State] [Accused] applies to the court for an order that—

The grounds of the application are—

A draft order that I seek is attached.

I/We hereby certify that the facts stated above are true and to the best of my/our knowledge, information and belief.

[An affidavit in support accompanies this application]

Dated

Signed : _____

Attorney-at-law for the [State] [Accused]

Form 2: DIRECTIONS HEARING QUESTIONNAIRE

(Rule 10)

*(Offence)**Advocate (Name of Advocate) (Bar no.)**(Tel No., Fax no., E-mail address)*

REPUBLIC OF TRINIDAD AND TOBAGO

IN THE HIGH COURT OF JUSTICE

Cr. No.

BETWEEN

THE STATE

AND

A. B.

Accused

DIRECTIONS HEARING QUESTIONNAIRE

Before the date set for the first Direction Hearing, Counsel on record for each accused person, and the State Prosecutor assigned to conduct the prosecution, shall each complete and sign a Directions Hearing Questionnaire and ensure that the questionnaire is filed and served in accordance with these Rules or any directions of the Registrar.

Where a party finds that insufficient space is provided to complete a response to a particular question, the answer may be given on a separate sheet of paper attached to the back of this form. The fact that the response is provided and attached on a separate sheet is to be indicated on the space provided on the form.

PRELIMINARY INFORMATION

Name of Case _____

Court _____ POS/SFDO/TGO

Report prepared by _____

Prosecution ☐Defence ☐

(Counsel for _____ if multiple accused)

Has Counsel discussed the issues raised in this form?

Yes ☐No ☐**CASE/BAIL HISTORY**

Date(s) of Offence(s): _____

Date of Arrest: _____

Date of any orders made by the court: _____

Date Indictment filed: _____

Is the accused detained in custody on this/these charges?

Yes ☐No ☐

If Yes, How long has the accused spent in custody? _____

Is the accused detained in custody on any other charges?

Yes ☐No ☐

Is this matter a re-trial?

Yes ☐No ☐

Are notes of evidence from previous trial available?

Yes ☐No ☐

If Yes, give details of why retrial ordered

PLEA DISCUSSIONS

Have the parties considered Plea Discussions under the Criminal Procedure
(Plea Discussion and Plea Agreement) Act, Chap. 13:07? Yes ☐ No ☐

Is the State open to a plea to a lesser count? (where applicable) Yes ☐ No ☐

Is the Accused going to make an application for a Goodyear Hearing? Yes ☐ No ☐

PRELIMINARY MATTERS

Have all disclosure issues been resolved? Yes ☐ No ☐

If not, what is outstanding?

Are there any witnesses on deposition that the prosecution does not intend to call/rely
upon? Yes ☐ No ☐

Is there likely to be an application to the Court for Order(s) in relation to Disclosure?

Yes ☐ No ☐

What are the real issues?

Amendment	Yes ☐	No ☐
Application to Stay Proceedings	Yes ☐	No ☐
Severance	Yes ☐	No ☐
Application to Quash Indictment	Yes ☐	No ☐
Change of Venue	Yes ☐	No ☐
Application for leave to adduce hearsay evidence	Yes ☐	No ☐
Fitness to Plead	Yes ☐	No ☐
Application for leave to adduce Alibi Evidence	Yes ☐	No ☐
Fresh Evidence	Yes ☐	No ☐
Bad Character	Yes ☐	No ☐
To Admit Written Statements	Yes ☐	No ☐
To admit Video Recordings	Yes ☐	No ☐
Breach of Constitutional/Fair Trial Rights	Yes ☐	No ☐
Mental Health Issues- Psychiatric Evaluation, Report	Yes ☐	No ☐
To Exclude specific pieces of Evidence	Yes ☐	No ☐
Probation	Yes ☐	No ☐

- (1) The specific application(s) to be made.
- (2) The Jurisdiction (Common Law/Statute) under which the Application is being made.
- (3) Whether there is anything precluding the Court from Ruling on these Applications at the Plea and Direction Hearing.

[illegible]

Do you propose to make any other application to the Court not mentioned above?

Yes ☐ No ☐

If yes, please specify the matters outlined at 1-3 above.

ADMISSIONS

Have the parties discussed the possibility of agreeing non-contentious evidence?

Yes ☐ No ☐

If yes, please indicate areas that may be admitted under section 37A of the Criminal Procedure (Amendment) Act, 2005.

If No, are you prepared to consider agreeing evidence that is not in dispute? Yes ☐ No ☐

ORAL/WRITTEN STATEMENTS

Is the Prosecution relying upon a written/oral statement? Yes ☐ No ☐

Is the accused challenging the statement? Yes ☐ No ☐

If yes, please specify grounds

Has the prosecution been informed of the grounds of objection? Yes ☐ No ☐

Has disclosure been made of relevant material relative to *voir dire*? Yes ☐ No ☐

Will there be any application to edit? Yes ☐ No ☐

SPECIAL DEFENCE ISSUES

Does the Defence propose to rely on Good Character Evidence? Yes ☐ No ☐

Is the Defence relying on an Alibi? Yes ☐ No ☐

Has notice been given to the Prosecution in accordance with the Act? Yes ☐ No ☐

Does the accused intend to call any witnesses? Yes ☐ No ☐

If yes—please indicate the number _____

SPECIAL ADMINISTRATIVE MATTERS

Are there any special security concerns for the Court to consider? Yes ☐ No ☐

Is there any need for an interpreter? Yes ☐ No ☐

Is there likely to be any application to visit the locus? Yes ☐ No ☐

Is there need for any special equipment, e.g., Video/Projectors, etc. Yes ☐ No ☐

Is there to be an application to have an empanelled jury sequestered? Yes ☐ No ☐

ANY OTHER CONCERNS

Please Specify:

Form 3A: CERTIFICATE OF READINESS (Prosecutor)

(Rule 12)

REPUBLIC OF TRINIDAD AND TOBAGO

IN THE HIGH COURT OF JUSTICE

Cr. No.

BETWEEN

THE STATE

AND

A. B.

Accused

CERTIFICATE OF READINESS

For Pre-Trial Hearing scheduled for

Month/Day/Year

(Check the appropriate boxes and complete as required.)

1. Name of the accused to which this report applies:
2. ☐ I am advised by attorney-at-law for the accused that the matter will be disposed of at scheduled trial confirmation hearing.
(If you check this box, skip items 3 to 11 but complete and sign the date/signature blocks at item 12.)
- 3A. ☐ I have reviewed the file and confirm that I am ready to proceed.
- OR
- 3B. ☐ The prosecutor is seeking an adjournment for the following reasons:
4. ☐ It is anticipated that the prosecution will call—
(number) police witnesses (excluding expert witnesses),
(number) expert witnesses, and
(number) other witnesses.
5. ☐ I have confirmed that all witnesses for the prosecution have been notified and are available to attend on the date set.
6. ☐ The prosecutor's case is expected to take _____
time estimated
7. ☐ To the best of my knowledge, there are no outstanding issues respecting disclosure under rule 7.
8. ☐ All required notices and reports have been provided or will have been provided within applicable time limits.
9. ☐ All necessary orders for the attendance of the accused and any witness for the prosecution have been obtained or will have been obtained.
10. ☐ Since the accused's directions hearing admissions respecting expert testimony and other evidence have been canvassed with legal counsel for the accused.
11. ☐ I expect to make an application during the hearing.
12. Date:

month / day / year_____
Signature of Prosecutor
(Print full name)

Form 3B: CERTIFICATE OF READINESS (Attorney-at-law for the Accused)

(Rule 12)

REPUBLIC OF TRINIDAD AND TOBAGO

IN THE HIGH COURT OF JUSTICE

Cr. No.

BETWEEN

THE STATE

AND

A. B.

Accused

CERTIFICATE OF READINESS

For Pre-Trial Hearing scheduled for

Month/Day/Year

(Check the appropriate boxes and complete as required.)

1. Name of the accused to which this report applies:
2. ☐ I expect this matter will proceed on the date set.
3. ☐ To the best of my knowledge, there are no outstanding issues respecting disclosure under rule 7.
4. ☐ The accused is seeking an adjournment for the following reasons:
☐ Check if more space is required and add another page.
5. ☐ It is anticipated that the defence will call _____ number of witnesses.
6. ☐ All necessary orders for the attendance of any witness for the accused have been obtained or will have been obtained.
- 7A. ☐ The time estimated for this matter is adequate.
OR
- 7B. ☐ The time estimated for this matter is inadequate and a revised time estimate is
8. ☐ I expect to make an application during the hearing.
9. Date:

month / day / year

Signature of Attorney-at-law for the Accused
(Print full name)

Made by the Rules Committee this 27th day of June, 2013.

I. ARCHIE
Chief Justice

P. JAMADAR
Justice of Appeal

C. PEMBERTON
Judge of the High Court

A. RAMLOGAN
Attorney General

S. INDARSINGH
Attorney-at-law

Attorney-at-law

M. ROBERTSON
Registrar