



PRACTICE NOTE ON PRE-TRIAL APPLICATIONS IN CRIMINAL JURY TRIAL CASES

The Chief High Court Judge and Chief District Court Judge have issued a Practice Note on pre-trial applications in criminal jury trial cases. It will come into effect on 1 December 2007.

It provides for a greater degree of formality in the processes for pre-trial applications on evidence issues under s 344A Crimes Act 1961 and all other pre-trial applications.

A party objecting to the admissibility of evidence is required to give written notice of the objection and the grounds. The party seeking to call the evidence may then file an application and the objecting party lodges a notice of opposition within stipulated time limits. Simple forms are provided for this.

The objective is to ensure there is reasonable precision in stipulating the grounds of objection and the grounds supporting the admission of the evidence. It is also designed to promote the early and efficient disposal of pre-trial issues.

The party seeking to call the evidence (usually the Crown) has a discretion as to whether to call the impugned evidence and as to whether the issue needs to be resolved pre-trial or is better dealt with at trial. Judges will also exercise their discretion and may decide not to determine an application pre-trial if it is considered better to leave it to the trial Judge to determine at trial.

For other pre-trial issues, for example, applications for severance, stay, or a discharge under s 347 Crimes Act a simple process for applications and notices of opposition is provided for.

The Practice Note and forms are available on www.courtsofnz.govt.nz.