



PRACTICE NOTE ISSUED BY THE CHIEF JUDGES OF THE HIGH COURT AND DISTRICT COURT

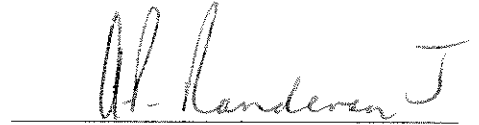
5 November 2007

Pre-Trial Applications in Criminal Jury Cases


1. This Practice Note has effect from 1 December 2007.
2. It applies to all pre-trial applications in criminal jury cases both under s 344A Crimes Act 1961 and otherwise.
3. It provides for advice to be given of objections to evidence; formal applications to the Court; and notices of opposition. The requirements of this Practice Note may be dispensed with or modified if a Judge so directs.
4. A party objecting to the admissibility of proposed evidence and seeking to initiate a pre-trial application under s 344A must, as soon as practicable after deciding to do so, give written advice to the party proposing to call the evidence of:
 - i) The evidence in dispute;
 - ii) The grounds of objection, with reasonable precision and appropriate reference to the Evidence Act 2006 and any relevant authorities.
5. If the party proposing to call the evidence wishes to dispute the objection and considers it should be tested pre-trial, that party must file and serve an application in Form 1 (attached), with any briefs of evidence, depositions, or supporting affidavits, within fifteen working days after receipt of advice of the objection.
6. The party or parties objecting to the evidence must file and serve a notice of opposition in Form 2 (attached) with any briefs of evidence, depositions, or supporting affidavits within fifteen working days after service of the application. To avoid doubt, a party objecting to evidence is not obliged to provide supporting evidence in advance of hearing unless that party carries an evidential burden (e.g. under s 29(1)(a) Evidence Act 2006).
7. At a callover, a hearing date for the pre-trial application will be set with a timetable for submissions. If time periods have not earlier commenced to run, the Court will set a timetable for filing of the application and notice of opposition.
8. If the party proposing to call the evidence decides the issue does not need to be tested pre-trial, or decides not to call all or some of the evidence to which objection has been taken, that party must advise the Court and the party objecting, in writing, as soon as practicable. Any party may seek a conference with a Judge if necessary

or the Court may initiate a conference to decide whether the issue should be decided pre-trial.

9. For all other pre-trial applications, the party seeking relief is to bring the application. The processes in paragraphs 5 to 8 apply with all necessary modifications.
10. "Working Days" has the same meaning as in Rule 3 of the High Court Rules.



A P Randerson J
Chief High Court Judge



Judge R Johnson
Chief District Court Judge