

Form 32A

Case Direction Notice – proceedings to which section 123 of the Criminal Procedure Act 2009 applies and/or for which Part 4.6A of that Act requires early committal

Rule 59(2)

CASE DIRECTION NOTICE—PROCEEDINGS TO WHICH SECTION 123 OF THE CRIMINAL PROCEDURE ACT 2009 APPLIES AND/OR FOR WHICH PART 4.6A OF THAT ACT REQUIRES EARLY COMMITTAL

(Section 119 of the **Criminal Procedure Act 2009**)

In the Magistrates' Court of
Victoria at

Court Ref.:

Please identify which of the following categories applies to this proceeding [*select all that apply*].

- ☐ Proceeding relates (wholly or partly) to a charge for a sexual offence;
- ☐ Proceeding relates (wholly or partly) to a charge for an offence where the conduct constituting the offence consists of **family violence** within the meaning of the **Family Violence Protection Act 2008**:
 - ☐ Yes ☐ No ☐ Disputed
- ☐ Proceeding relates (wholly or partly) to a charge for an offence against section 21A(1) of the **Crimes Act 1958** (stalking);
- ☐ Proceeding in which Part 4.6A of the **Criminal Procedure Act 2009** requires the Magistrates' Court to commit the accused for trial in the Supreme Court.

TO: the registrar

*TAKE NOTICE that—

- ☐ the *accused/*accused's legal practitioner has read the brief of evidence; and
- ☐ the DPP or informant has read the brief of evidence; and
- ☐ the accused and the DPP or informant have discussed whether this matter can be resolved by *a plea/*pleas of guilty and, if so, on what charge(s); and
- ☐ the accused and the DPP or informant propose that this committal proceeding be dealt with as follows—

*TAKE NOTICE that no legal practitioner has served a notice of appearance on the DPP or informant in this matter, the DPP or informant is not aware of any legal practitioner representing the accused and the accused has not participated in any discussion or other activity in connection with the preparation of this notice.

- *1. The Court should determine the committal proceeding at the committal mention hearing.

If committed for trial, how does the accused intend to plead?

Charge (or groups of charges) <i>[If there is more than one charge, and the answers to these questions are not the same for all charges, list the charges separately or in groups and provide answers in relation to each charge or group of charges.]</i>	*Guilty (G) *Not guilty (NG) *Not applicable (N/A)	*Basis of indication of intention to plead <i>[If the accused indicates an intention to plead on a particular basis or bases, briefly indicate that basis or those bases. For example- The indication is made without prejudice in the course of negotiations to settle the matter. The indication is made on the basis that the informant will withdraw particular charges.]</i>
1.		
2.		
3.		
4.		
5.		

- *2. The parties seek a determination that a committal case conference not be held. The grounds for the request are—
[insert grounds for request]
- *3. The issues identified by the parties to be addressed at the committal case conference are set out in the attached notice (Form 32B).
- *4. The accused will apply for a summary hearing of the following charge(s):

Charge	Proposed Plea
<i>[list each charge for which there will be an application for a summary hearing]</i>	*Guilty/*Not guilty

[If more space is required, write 'see attached']

- *5. The accused seeks the production of an item or items listed in the hand-up brief and the informant objects to the production of the item or items—

Item	Grounds for objection
<i>[describe the item(s)]</i>	<i>[indicate the informant's ground for objecting to producing the item]</i>

- *6. The accused seeks the production of an item or items not included in the hand-up brief.

- *7. The prosecution did not describe the following in the disclosure certificate served on the accused under section 41A or 110A of the ***Criminal Procedure Act 2009***—

Information, document or thing	Nature of privilege, immunity, prohibition or restriction
1. <i>[Describe the information, document or thing (including any detail relating to the information, document or thing) that was not described in the disclosure certificate]</i>	<i>[Describe the privilege, immunity, prohibition or restriction to which the information, document or thing is subject]</i>
2.	
3.	
4.	
5.	

- *8. The accused and the DPP or informant seek an adjournment of the committal proceeding.

Reason(s) for adjournment
[indicate the reason(s) for the proposed adjournment]

Defence	
Date:	

Signature of *accused/*accused's legal practitioner:	
Name:	
Firm:	
Telephone:	
Email address:	

Prosecution	
Date:	
Signature (for or on behalf of the DPP or informant):	
Name:	
Telephone:	
Email address:	

*Delete if not applicable

