

**Form 32**

**Case Direction Notice – Proceedings to which section 123 of the Criminal Procedure Act 2009 does not apply and/or for which Part 4.6A of that Act does not require early committal**

Rule 59(1)

**CASE DIRECTION NOTICE—PROCEEDINGS TO WHICH SECTION 123 OF THE CRIMINAL PROCEDURE ACT 2009 DOES NOT APPLY AND/OR FOR WHICH PART 4.6A OF THAT ACT DOES NOT REQUIRE EARLY COMMITTAL**

(Section 119 of the Criminal Procedure Act 2009)

In the Magistrates' Court of  
Victoria at

Court Ref.:

Informant:

Accused:

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?

|  |   |   |
|--|---|---|
| <p>Charge (or groups of charges)</p> <p><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></p> | <p>*Guilty (G)<br/>*Not guilty (NG)<br/>*Not applicable (N/A)</p> | <p>*Basis of indication of intention to plead</p> <p><i>[If the accused indicates an intention to plead on a particular basis or bases, briefly indicate that basis or those bases. For example-</i></p> <p><i>The indication is made without prejudice in the course of negotiations to settle the matter.</i></p> <p><i>The indication is made on the basis that the informant will withdraw particular charges.]</i></p> |
|--|---|---|

|    |  |  |
|----|--|--|
| 1. |  |  |
| 2. |  |  |
| 3. |  |  |
| 4. |  |  |
| 5. |  |  |

\*2. The parties seek a determination that a committal case conference is not required to 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):

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

\*5. The accused will apply for leave to cross-examine the following witness or witnesses.

| <b>Name of witness</b> | <b>Does the informant oppose leave being granted?</b> | <b>Issue, relevance and justification</b>  | <b>Opposition</b> |
|------------------------|---|--|-------------------|
|                        |   | <i>[indicate:</i> <ul style="list-style-type: none"> <li><i>the issue or issues identified by the accused to which the proposed questioning relates,</i></li> <li><i>how the accused considers cross-examination of the witness on the issue(s) is directly and substantially relevant to that the issue(s) and</i></li> <li><i>the accused's reasons why, in the interests of justice, the witness should be cross-examined on the</i></li> </ul> |                   |



|  |  |                |  |
|--|--|----------------|--|
|  |  | Issue:         |  |
|  |  | Relevance:     |  |
|  |  | Justification: |  |

- \*6. The particulars of previous convictions of any witness on whose evidence the prosecution intends to rely in the committal proceeding.

| Name of witness | Particulars of prior convictions |
|-----------------|----------------------------------|
| 1.              |                                  |
| 2.              |                                  |
| 3.              |                                  |
| 4.              |                                  |
| 5.              |                                  |

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

- \*7. The parties seek a ground rules hearing.
- \*8. 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> |
|                               |  |

- \*9. The accused seeks the production of an item or items not included in the hand-up brief.
- \*10. 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</i> | <i>[Describe the privilege, immunity, prohibition or restriction to which the information, document or thing is subject]</i> |

|   |  |
|---|--|
| <i>described in the disclosure certificate]</i> |  |
| 2.  |  |
| 3.  |  |
| 4.  |  |
| 5.  |  |

\*11. The accused is \*prepared/\*not prepared to proceed with the committal hearing while a forensic procedure, examination or test described in the hand-up brief remains incomplete.

|               |
|---------------|
| *Prepared     |
| *Not prepared |

\*12. 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]*

|  |  |
|--|--|
| <b>Defence</b>                                       |  |
| Date:  |  |
| Signature of *accused/*accused's legal practitioner: |  |
| Name:  |  |
| Firm:  |  |
| Telephone:   |  |
| Email address:                                       |  |

|   |  |
|---|--|
| <b>Prosecution</b>                                    |  |
| Date:   |  |
| Signature (for or on behalf of the DPP or informant): |  |
| Name:   |  |
| Telephone:  |  |
| Email address:  |  |

*\*Delete if not applicable*