

**FORM
9.3A**

Form of joint written record of state of preparation

<p>Rule 9.3A JOINT WRITTEN RECORD OF STATE OF PREPARATION</p> <p style="text-align: center;">in the case of</p> <p style="text-align: center;">HER MAJESTY'S ADVOCATE</p> <p style="text-align: center;">against [A.B.]</p> <p>Date of first diet:</p> <p>PF Reference number:</p> <p>Police Reference number:</p>	
<p>Part 1 (Crown)</p> <p>Plea</p> <p>1. Has a plea of guilty been accepted?</p> <p>If yes, the following questions are not applicable.</p>	<p>Yes/No</p>
<p>Communication with the defence</p> <p>2. When and by what means did the Crown and defence communicate prior to the first diet?</p>	
<p>Preliminary issues</p> <p>3. Has notice been given by the Crown of a preliminary issue?</p> <p>If yes, attach a copy of each notice.</p>	<p>Yes/No</p>
<p>Objections to admissibility of evidence</p> <p>4. Do you wish to raise any objection to the admissibility of any evidence despite not having given notice of a preliminary issue?</p> <p>If yes, specify each objection and provide the reasons for not giving notice:-</p>	<p>Yes/No</p>

<p>Other applications/notices</p> <p>5. Have any of the following been lodged?</p> <ul style="list-style-type: none"> • A child witness notice; • A vulnerable witness application; • An application to admit evidence relating to the character and conduct of complainer; • An application for an order prohibiting the accused from conducting his defence in person; <p>An application for a witness anonymity order; If yes, attach a copy of each application or notice.</p>	<p>Yes/No</p>
<p>5A. If an application under section 275(1) (application to admit evidence relating to the character and conduct of complainer, etc.) has been lodged (whether on behalf of the Crown or on behalf of the accused), has the complainer (i) been told of the content of the application;(ii) been invited to comment on the accuracy of any allegations within it; (iii) been asked to state any objections which the complainer might have to the granting of the application?</p> <p>If the answer to question 5A is no, set out the reasons why (i) to (iii) have not occurred.</p>	<p>Yes/No</p>
<p>Other matters</p> <p>6. Are there any other matters which might be disposed of with advantage before the trial (e.g. compatibility minutes, section 67 notices or applications for recovery of document)?</p> <p>If yes, specify each matter.</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>Video evidence of a graphic nature</p> <p>6A. Is it proposed (whether on behalf of the Crown or the defence) that the jury be shown video evidence which includes graphic images of violence?</p> <p>If the answer to the question is yes, have parties discussed how that evidence is to be presented so as minimise the risk of lasting adverse effects on jury members and others? In particular, have parties discussed i) whether any matters shown in the video can be agreed to avoid some or all the video being shown to the jury and ii) whether it is</p> </div>	<p>Yes/No</p> <p>Yes/No</p>

<p>necessary to show the video more than once?</p>	
<p>Agreements and admissions of evidence</p> <p>7 Have any facts or documents been the subject of a minute of admission, a minute of agreement or a draft minute of agreement?</p> <p>If yes, attach a copy of each minute or draft joint minute. If no, specify the reason</p>	<p>Yes/No</p>
<p>Duty to seek agreement of evidence</p> <p>8 What steps have been taken to seek agreement of evidence? If “none”, specify the reason.</p>	
<p>Uncontroversial evidence</p> <p>9. Has either party served a statement of uncontroversial evidence?</p> <p>If yes,</p> <ul style="list-style-type: none"> (i) attach a copy of each statement; (ii) specify any matters which are deemed to have been conclusively proved; (iii) attach a copy of any notice of challenge; and (iv) attach a copy of any application for direction to disregard. <p>If no, specify reason.</p>	<p>Yes/No</p>
<p>Witnesses</p> <p>10. Specify:-</p> <ul style="list-style-type: none"> • by number which witnesses are required; • any dates on which any of the required witnesses are not available and state the reason (if known). <p><i>[Indicate which, if any, of these witnesses is a child witness: (“CW”) or vulnerable witness (“VW”).]</i></p>	
<p>Preparation for trial</p> <p>11. Are you ready to proceed to trial?</p> <p>If no, specify the reason and the date by which you anticipate</p>	<p>Yes/No</p>

<p>you will be ready.</p> <p>State any response to the defence position in Part II, question 14.</p>	
<p>Estimated length of trial</p> <p>12. How long do you estimate that the trial will last?</p>	
<p>Disclosure</p> <p>13. Has the Crown complied with:</p> <ul style="list-style-type: none"> • the provisions of the Code of Practice: Disclosure of Evidence in Criminal Proceedings? • its obligation to review all relevant information in the light of the defence statement? <p>If no, specify the reason.</p>	<p>Yes/No</p>
<p>Equipment</p> <p>14(a) Are any of the following required at the trial?</p> <ul style="list-style-type: none"> • Equipment for display of a DVD; • Equipment for display of a video tape; • Equipment for display of other moveable digital media requiring a laptop (party is to provide its own laptop); • Equipment for playback of an audio tape; • Equipment for playback of an audio CD; • A document camera; • Screens; • Equipment for giving evidence by live television link; • Other equipment (specify). <p>14(b) Have you considered the nature of any digital evidence and its compatibility with the equipment available in court?</p>	<p>Yes/No</p> <p>Yes/No</p>
<p>Interpreters</p> <p>15. Will an interpreter be required for the trial?</p> <p>If yes, please provide details:-</p> <p>Name of Responsible Person</p> <p>Procurator Fiscal Depute</p>	<p>Yes/No</p>

For the Crown	
---------------	--

Part 2 (Defence)

Plea

1. Has the Crown accepted a plea of guilty?

Yes/No

If yes, the following questions are not applicable.

Section 196 of the Criminal Procedure (Scotland) Act 1995

2. Is the accused aware of the potential discount of sentence in the event of a plea of guilty?

Yes/No

Preliminary Issues

3. Has notice been given of a preliminary plea? If yes, attach a copy of each notice.

Yes/No

Communication with the Crown

4. When and by what means did the Crown and defence communicate prior to the first diet?

Preliminary Issues

5. Has notice been given on behalf of the accused of a preliminary issue?

Yes/No

If yes, attach a copy of each notice.

Objections to admissibility of evidence

6. Do you wish to raise any objection to the admissibility of any evidence despite not having given notice?

Yes/No

If yes, specify each objection and prove the reason for not giving notice.

Other applications/notices

<p>7. Has any of the following been lodged with the court on behalf of the accused?</p> <ul style="list-style-type: none"> • A child witness notice; • A vulnerable witness application; • An application to admit evidence relating to the character and conduct of complainer; • An application for an order prohibiting the accused from conducting his defence in person at trial; • An application for a witness anonymity order. <p>If yes, attach a copy of each application or notice.</p>	<p>Yes/No</p>
<p>Defence</p> <p>8. Have any of the following been lodged?</p> <ul style="list-style-type: none"> • A plea of special defence or notice of intention to incriminate a co-accused; • Notice of witnesses or productions; • Defence statement. <p>If yes, attach a copy of each plea and notice. If no defence statement has been lodged, explain why.</p>	<p>Yes/No</p>
<p>Other matters</p> <p>9(a) Are there any other matters which might be disposed of with advantage before the trial (eg compatibility minutes, section 67 notices or applications for recovery of documents)?</p> <p>If yes, specify each matter.</p> <p>9(b) Do any special arrangements need to be made for the accused (for example, hearing loop, regular breaks, an appropriate adult)?</p>	<p>Yes/No</p> <p>Yes/No</p>
<p>Agreements and admissions of evidence</p> <p>10. Have any facts and documents been the subject of a minute of admission, minute of agreement or a draft minute of agreement?</p> <p>If yes, attach a copy of each minute or draft minute. If no, specify the reason.</p>	<p>Yes/No</p>
<p>Duty to seek agreement of evidence</p>	

<p>11. Specify any steps which have been taken to seek agreement of evidence.</p> <p>If “none”, specify the reason.</p>	
<p>Uncontroversial evidence</p> <p>12. Has either party served a statement of uncontroversial evidence?</p> <p>If yes,</p> <ul style="list-style-type: none"> • Attach a copy of each statement; • Specify any matters which are deemed to have been conclusively proved; • Attach a copy of any notice of challenge; and • Attach a copy of any application for a direction to disregard. <p>If no, specify the reason.</p>	<p>Yes/No</p>
<p>Witnesses</p> <p>13. Specify:-</p> <ul style="list-style-type: none"> • by number which witnesses are required; • any dates on which any of the required witnesses are not available and state the reason (if known). <p><i>[Indicate which, if any, of these witnesses is a child witness (“CW”) or vulnerable witness (“VW”).]</i></p>	
<p>Preparation for trial</p> <p>14. Are you ready to proceed to trial?</p> <p>If no, specify the reason and the date by which you anticipate you will be ready.</p> <p>Specify:-</p> <ul style="list-style-type: none"> • The date on which agents were instructed to act on behalf of the accused; • If the case is legally aided, the date on which legal aid was granted; • Under reference to the witnesses and productions on the lists attached to the indictment the dates on which disclosed material was downloaded or collected; 	<p>Yes/No</p>

