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| Service Justice System S.28 Defence  Ground Rules Hearing Form  **(s.28 YJACEA 1999)** |  | In the Court Martial at |  | Location Name |
|  | Before |  | Judge’s Name |
|  | R v |  | Defendant(s)'s Name(s) |
|  | Case Number |  | Case Ref Number |

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| ***For Ground Rules Hearing on:*** | ­­ Ground Rules Hearing date  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
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| **S16 Witnesses** |  |
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| 1) Do you have experience and training in the area of questioning vulnerable witnesses?  Please detail: | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| 2) In the exceptional situation that an advocate wishes to submit that it is not appropriate to ‘put the case’ then set out the basis for this  If there are areas that the advocate intends not to question about because of the vulnerability of the witness, detail these areas here: | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Proposed question |
| 3) The following are my proposed questions.  *Set out all proposed questions.*  *These should be compliant with the 20 principles of questioning.*  *Each question/questions should be prefixed with a signpost and* *then numbered sequentially under each headline, e.g.:*  *I am going to ask you about… 1. Did you…?*  *2.Did …?*  *3.Was…?* | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| 4) If the advocate wishes to submit that due to the vulnerability of the witness certain issues could not be questioned about / manner of challenge altered, they should set out the nature of the direction sought. | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| 5) I understand that if I do not raise matters with the Judge at the GRH and later wish to comment about them to the jury, I may be precluded from doing so | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

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| 6) I am instructed to represent the defendant at the Ground Rules Hearing, the S.28 cross examination(s) and the trial | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Witness's name  Witness's date of birth |
| 7) The witness to be cross examined is: | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Witnesses name |
| 8) I have viewed the ABE interview of:    Recorded on: | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Date witnesses ABE interview was recorded  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| 9) I have full instructions following a conference with the defendant and his/her signed Defence Statement is attached or I have advised the defendant of the inference that may be drawn for their failure to provide a Defence Statement | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Date defendant viewed the ABE interview |
| 10) The defendant has been given the opportunity of watching the recording of the complainant’s evidence in chief but has chosen not to do so/the defendant has watched the recording of the complainant’s evidence in chief | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| 11) The nature of the defendant’s case is: | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| 12) There are no outstanding issues in relation to service of the Crown case, the unused schedules or disclosure. | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| 13) I understand that the Judge is likely to go to meet the witness before cross examination | I would wish to meet the witness at the same time.  I would not wish to go and meet the witness at the same time.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| The defendant has been advised that credit for a guilty plea will be given in accordance with the Sentencing Council’s Definitive Guideline published 1st June 2017’.  **Defence and Prosecution Counsel recognise their respective duties to obtain and examine the s28 recording prior to the trial. Such examination will take place within 21 days of the recording of the cross examination of the vulnerable witness. Any editing not considered at the section 28 cross examination hearing is to be identified to the Court and the other party within 28 days of the cross-examination hearing. The court will list the case to consider any editing requirements within 28 days thereafter.** | |
| Signature by Counsel | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| Date | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |