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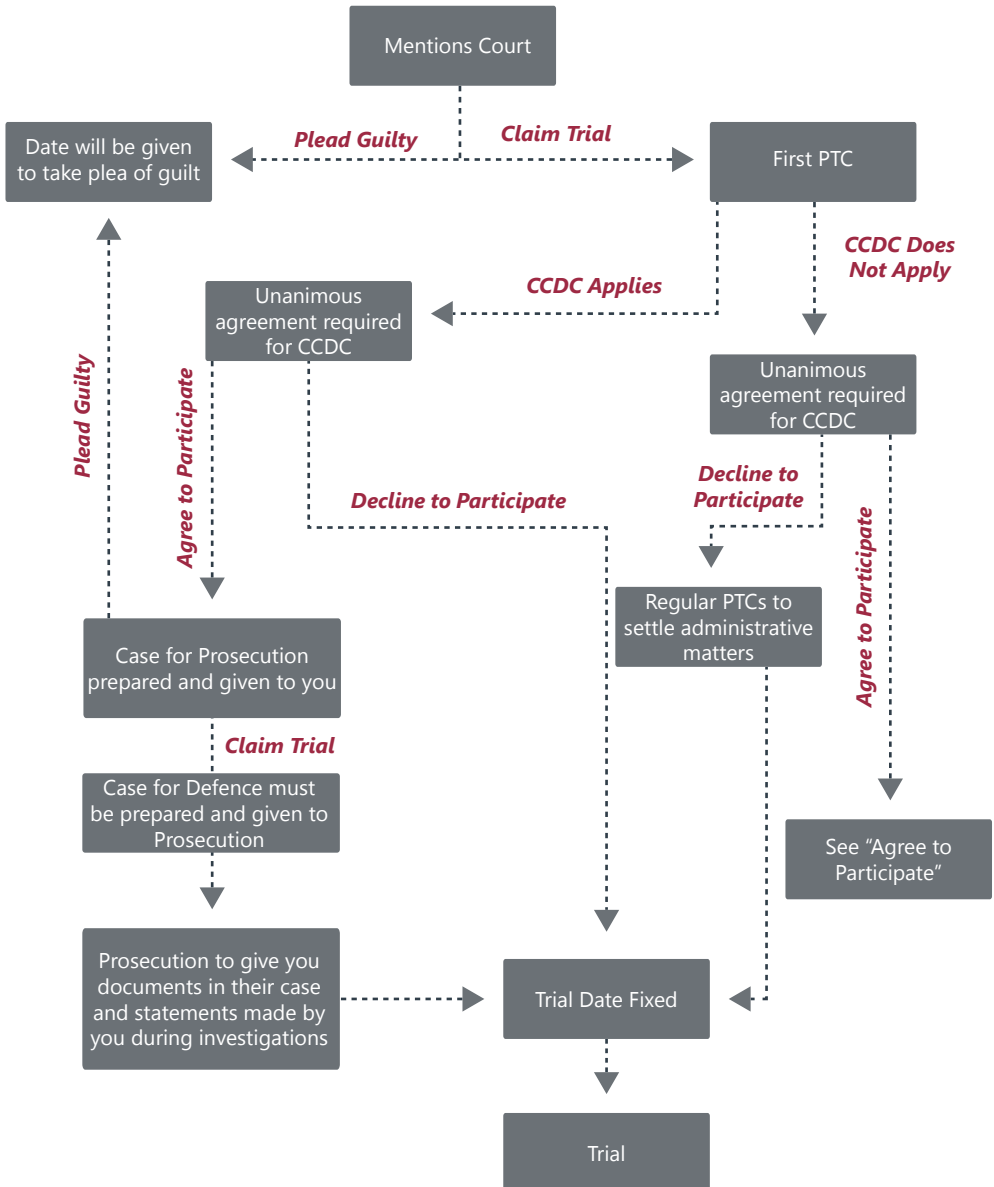
## **PRE-TRIAL CONFERENCES**

- (A) What is a Pre-Trial Conference (PTC)
- (B) How should I prepare for the PTC?
- (C) What should I expect during the hearing?
- (D) Criminal Case Disclosure Conference (CCDC)

## CHAPTER 4

# PRE-TRIAL CONFERENCES

A flow chart of the criminal process in brief



**(A) What is a Pre-Trial Conference (PTC)?**

If you claim trial during the mention of your case, the Mentions Court will fix the case for a Pre-Trial Conference (PTC). The purpose of the PTC is to prepare you and the Prosecution for trial and to settle any administrative matters before the trial date is fixed.

**(B) How should I prepare for the PTC?**

Prior to the PTC, you should consider whether you wish to address the following matters during the PTC:

- (i) Check if the Prosecution intends to make use of any written statement given by you to the police and if so, you may request for a copy of the statement.
- (ii) Indicate to the Court the number of witnesses that you wish to call at the trial.
- (iii) If you require a translator for yourself or your witnesses, you should inform the Judge that you would require the assistance of an interpreter for the trial.

The Judge may also ask you for an indication of the legal defence that you intend to rely on. It would therefore be useful for you to think about this before the PTC.

**(C) What should I expect during the hearing?**

The purpose of the PTC is to ascertain whether the case is ready for trial. You have to attend this PTC together with the Prosecution, who will be represented either by a Police Prosecutor or a Deputy Public Prosecutor (DPP). At this conference, the Judge will be informed of the nature of the evidence that will be tendered by you and by the Prosecution. The witnesses will also be made known. Once all the administrative matters, including a Criminal Case Disclosure Conference (if applicable), have been sorted out, the Judge will then give a date for the trial.

## (D) Criminal Case Disclosure Conference (CCDC)

### (1) What is a CCDC?

A Criminal Case Disclosure Conference is a formalised system of reciprocal disclosure to enable parties to know ahead of the trial the case that they have to meet. This means that both you and the Prosecution will be under a duty to reveal aspects of your cases and the evidence that each of you intend to rely on at the pre-trial stage.

***By choosing to go through the CCDC process, you may gain a better understanding of the Prosecution's case and obtain police statements for use in your Defence.***

CCDC is only applicable to specific types of cases. If your charge is brought under any of the statutes below, then the CCDC may apply to you:

1. Arms and Explosives Act (Cap 13)
2. Arms Offences Act (Cap 14)
3. Banishment Act (Cap 18)
4. Banking Act (Cap 19)
5. Casino Control Act (Cap 33A)
6. Computer Misuse Act (Cap 50A)
7. Corrosive and Explosive Substances and Offensive Weapons Act (Cap 65)
8. Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act (Cap 65A)
9. Criminal Law (Temporary Provisions) Act (Cap 67)
10. Hijacking of Aircraft and Protection of Aircraft and International Airports Act (Cap 124)
11. Immigration Act (Cap 133) (other than Ss 6 and 15)
12. Infrastructure Protection Act 2017 (Act 41 of 2017)
13. Internal Security Act (Cap 143)
14. Maintenance of Religious Harmony Act (Cap 167A)
15. Misuse of Drugs Act (Cap 185)
16. Moneylenders Act (Cap 188)
17. Oaths and Declarations Act (Cap 211)
18. Official Secrets Act (Cap 213)
19. Passports Act (Cap 220)
20. Penal Code (Cap 224)
21. Prevention of Corruption Act (Cap 241)
22. Prevention of Human Trafficking Act (Act 45 of 2014)
23. Prisons Act (Cap 247)
24. Protected Areas and Protected Places Act (Cap 256)

25. Public Entertainments Act (Cap 257)
26. Public Order and Safety (Special Powers) Act 2018
27. Remote Gaming Act 2014 (Act 34 of 2014)
28. Securities and Futures Act (Cap 289)
29. Sedition Act (Cap 290)
30. Vandalism Act (Cap 341)

### ***(2) How do I apply for CCDC?***

At the first PTC, the Judge will let you know whether CCDC applies to your case and he will ask you to indicate whether you wish to participate in the CCDC. For all other cases, the CCDC will only apply if all parties involved in the proceedings consent.

### ***(3) Should I participate in the CCDC?***

Participation in CCDC is optional. It is your decision as to whether you wish to do so.

Participating in the CCDC may help you get a better understanding of the Prosecution's evidence against you, which will in turn help you decide the best course of action to take. However, you will have to be prepared to comply with the Judge's directions to prepare the documents in order to facilitate the CCDC. You will find more information on your duties under the CCDC in the next section.

If you choose not to participate in the CCDC, the Court will proceed to fix a date for trial once the administrative matters have been sorted out. However, you would not have had a chance to consider the Prosecution's evidence before the trial. Similarly, the Prosecution would not get to consider your evidence, which may have, in certain instances, led to a reduced charge.

### ***(4) What will happen if I decide to participate in CCDC?***

If you decide to participate in the CCDC, the Court will give a series of directions to facilitate the discovery procedure. First, the Court will direct the Prosecution to prepare and provide the "Case for the Prosecution" to you, which contains the following:

- (a) The Charge against you.
- (b) The Summary of Facts.
- (c) A list of the Prosecution's Witnesses.
- (d) Description of the documents and items which will be produced as evidence.
- (e) Any written statements made by you to a law enforcement officer that the Prosecution intends to use as evidence.
- (f) A list of every statement, made by you to a law enforcement officer recorded in the form of an audio-visual recording that the Prosecution intends to use as evidence. Transcripts of these audio-visual recordings are also to be included.

After you have received the Prosecution's Case, you should read and consider it carefully. It contains the evidence which the Prosecution will be relying on to prove your guilt. If you wish to view any audio-visual recordings of statements made to a law enforcement officer listed in the Prosecution's case, you would need to make a request to the Prosecution, who will then arrange for the viewing. At the next CCDC, the Court might request that you indicate whether you wish to claim trial or plead guilty to the charge(s).

If you intend to plead guilty, the Court will transfer your case to a Sentencing Court for your plea to be taken and for your sentence to be decided. For more information on sentencing, refer to Chapter 6.

If you indicate your intention to claim trial, the Court will then direct you to prepare your "Case for the Defence", which would consist of these documents:

- (a) A summary of your defence and the relevant supporting facts you wish to rely on.
- (b) A list of your Witnesses (this must include their names and particulars).
- (c) A description of the documents and items you intend to produce in Court as evidence.
- (d) Any objections you may wish to raise to the Case for the Prosecution. You will need to state the nature of the objection and the issue of fact on which you will be producing evidence.

Your Case for the Defence must be prepared in English. You must provide a copy of your Case to the Court as well as the Prosecution within the timeline stipulated by the Court. If there are any co-accused persons who are claiming trial, you will need to serve the Case for the Defence on the co-accused as well.

### ***(5) How do I prepare my case for the Defence?***

At the back of this Guide, you will find a sample Case for the Defence, which you may consider and adapt to your needs.

If you require assistance on the substantive contents of your Case for the Defence, it is recommended that you seek legal advice.

It is crucial that you properly prepare and serve your Case for the Defence. If you fail to do so (e.g. if you fail to serve on the Prosecution documentary exhibits listed in the Case for the Defence), the Court may draw adverse inferences (i.e. an unfavourable inference) against you. Take note that an adverse inference may also be drawn against you if you put forward a case at trial that is different or inconsistent with what has been stated in the Case for the Defence. This may impact your credibility at trial and negatively affect your chances of successfully defending yourself.

***It is crucial that you properly prepare your Case for the Defence. Otherwise, the Court may draw adverse inferences against you at trial which may hurt your Defence.***

### ***(6) What happens after I have submitted my Case for the Defence?***

After you have submitted your Case for the Defence to the Court and the Prosecution, the Prosecution will give you copies of the documents found in the Case for the Prosecution. The prosecution will also provide copies of any other written statements and transcripts of any other statements recorded by audio-visual recording which you may have

made in the course of investigations. Upon payment of a fee, the Prosecution will also provide a copy of your criminal records, if any. This is called the “Prosecution’s Supplementary Bundle”.

If you wish to view any audio-visual recordings of statements given by you, you may make a request to the Prosecution, who will then arrange for a viewing of the audio-visual recording. Do consider the entire prosecution’s case, including all the documents and statements disclosed to you carefully before you decide on your next step, i.e. to claim trial or to plead guilty.

At the next CCDC, the Judge will ask you and the Prosecution to indicate your respective positions. If the Prosecution decides to proceed with the charges, and if you decide to claim trial, the Judge will fix a date for the trial. The next chapter deals with Trials.