

FORM 2

INFORMATION FOR ALLOCATION OF SENTENCE DATES – SUPREME COURT CRIMINAL JURISDICTION

1. Name of defendant:¹
2. Indictment number:
3. Counts:²
4. Summary charges:³
5. Are there any other outstanding counts or charges and, if so, specify?
6. If counsel has been briefed to appear on the sentence, provide contact details:
 - a. Prosecution
 - b. Defence
7. Have the *legal* and *factual* bases for the sentence been agreed?
8. Has a Schedule of Facts been agreed?⁴
9. If not, what legal or factual issues remain in contest and how is it proposed that the court will resolve that contest?⁵
10. Will any material be tendered on the sentence that might impact on the accuracy of the any agreed Schedule of Facts and, if so, what is it?
11. Is any other application to be made at the sentence?⁶

¹ If more than one defendant, make such adaptations to this form as are necessary.

² Either append a copy of the indictment or list, in short form, descriptions of the counts on the indictment e.g., "1 x trafficking in methylamphetamine, 2 x possession of cocaine > 2 gm, 1 x supply of MDMA".

³ If application has been made pursuant to ss 651 and 652 of the *Criminal Code* (Qld) for summary charges to be dealt with at the sentence, either append the transmission sheet or list, in short form, descriptions of those charges. In that regard, practitioners are reminded of the requirements set out in paragraphs 14 to 20 of *Practice Direction 4 of 2014 (PD4/14)* as well as the stipulation contained in paragraph 19 of *Practice Direction 5 of 2014 (PD5/14)* to the effect that the date requested for the sentence must allow sufficient time for compliance with PD4/14.

⁴ Where summary charges are to be dealt with, indicate whether a Schedule of Facts has also been agreed for those charges.

⁵ The second part of this question invites the parties to indicate whether, for example, it is proposed that evidence be called to resolve the contest. In that regard, paragraph 24 of PD5/14 provides that "both the prosecution and the defendant must inform the other party of any evidence sought to be relied upon no later than three days before the sentence is listed for hearing".

⁶ Indicate, for example, if it is proposed that an application pursuant to s 13A of the *Penalties and Sentences Act* 1992 (Qld) be made. If so, practitioners are reminded of the requirements of paragraphs 29 to 34 of PD4/14 and that, by paragraph 21 of PD5/14, it is their responsibility to ensure that the sentencing judge's associate is provided prior to the hearing with a copy of any documents to be tendered in support of such an application.

12. Joint time estimate:⁷
13. Is any special equipment required for the sentence?⁸
14. Will application be made for the appointment of an interpreter?⁹
15. What are the parties' preferred dates for the setting down of the sentence?¹⁰

16. Do the parties agree that the matter will be in all respects ready for sentence by the earliest of the dates sought?

17. Will a copy of any material to be tendered on the sentence be provided to the associate to the sentencing judge by no later than 4.30 pm on the last business day preceding the hearing?¹¹

18. Is this a matter that could more conveniently be heard in Southport?

Date:

Signed:¹²

Prosecution

Defendant

Contact details:¹³

⁷ Where the parties cannot agree, each party's time estimate must be provided.

⁸ If so, specify what is required and indicate what arrangements have been made to have it in place at the time of sentence.

⁹ If so, practitioners are reminded of the requirements set out in paragraph 3 of PD4/14 and, in particular, that any such application together with supporting material must be filed "no later than seven days after the proceeding is set down for hearing or 28 days prior to the hearing date, whichever is the earlier".

¹⁰ These dates must be agreed by the parties in consultation. In this regard, paragraph 20 of PD5/14 provides that "a practitioner for the defendant must not request a date for sentence, unless the practitioner considers the matter will be ready for sentence by that date and has ascertained from the prosecution that the date is acceptable". Two examples are provided: "Where a psychiatric report is to be relied on by the defendant at sentence, the appointment for the defendant with the psychiatrist must have been made and sufficient time allowed for the preparation of the report before the listed date for sentence" and "Where the defendant wishes to rely on the results of drug testing, those results must be available and provided to the prosecution before the listed date for sentence."

¹¹ Paragraph 21 of PD5/14 relevantly provides, "The identity of the judge who will be listed to hear a sentence will ordinarily be known by 4pm on the day prior to the listed date for sentence and can be ascertained from the Criminal List Manager. It is the responsibility of practitioners to ensure that the sentencing Judge is provided prior to the sentence with any substantial reports or other materials to be tendered on the sentence."

¹² This form must be signed by the person having carriage of the matter on behalf of, respectively, the prosecution and the defendant.

¹³ Insert the name, telephone number and email address of the practitioners signing this form.