

Self-represented Defendants Case Management Form

If you are going to Court because you have been charged with a criminal offence, you are known as the 'defendant'. If you do not have a lawyer representing you or you have chosen to represent yourself, you are known as a 'self-represented defendant'.

Part 1: Legal advice and representation

You may need legal advice to help you understand the Court process and your options, including what allegations have been made against you, and how to prepare for a trial.

- [Legal Aid Queensland](#) – provide eligible applicants with advice and/or legal representation for serious criminal offences. Apply for a grant of legal aid online or phone 1300 65 11 88 for more information.
- [Aboriginal and Torres Strait Islander Legal Service \(ATSILS\)](#) – is a community-based legal assistance organisation that provides representation and legal advice to Aboriginal and Torres Strait Islander people in civil, family and criminal law matters. For more information phone 1800 012 255 (available 24hrs, 7 days a week).
- Private Representation – to find a lawyer of your choice to represent you in court please go to the [Queensland Law Society](#) 'find a solicitor' service or phone 1300 367 757.
- [Community Legal Centres](#) – provide free legal advice on a range of topics. Find your local Community Legal Centre online using the Legal Centre Search function or phone 07 3392 0092.

Part 2: Preparing for the Case Review Hearing

Part 2 provides information about the Case Review Hearing. This information is to be used as a guide ONLY. It is not legal advice. Except for filling in Part 5 of this form, you should not provide any information or material to the court. If you do, it may become part of the Court file which could be disclosed in an investigation and used in Court, in a way that you did not intend.

You do not need to tell the court or the Prosecution information about how you plan to defend the charges against you before your trial.

The Queensland Police Service (the Police) are responsible for the initial investigation of a criminal matter. Information that the Police collect during their investigations to support the criminal case against you, is called the 'Brief of Evidence'.

The Police must provide all the materials and information in the 'Brief of Evidence' to the Office of the Director of Public Prosecutions (the Prosecution). The Prosecution are lawyers representing the state of Queensland in criminal cases in the District Court. The Prosecution will prepare an official written copy of the charges, with a summary of information about the circumstances of the offences, called an 'indictment'.

In sexual offence proceedings in the Brisbane and Ipswich District Courts, parties are required to attend a '**Case Review Hearing**'. A Case Review Hearing will take place four weeks after the written copy of the charges (the indictment) is presented to the District Court and given to you. At the Case Review Hearing, the Judge will ask you and the Prosecution to provide information about the case.

Future Court events, including arrangements to be made before the trial, will also be decided at the Case Review Hearing. At the Case Review Hearing, you can let the Judge know if you have NOT been given a copy of any of the following material:

- The QP9 form** - the Police version of the offence(s).
- Index to Brief** – a table which lists all the items that the Police obtained during their investigation into the offence(s), that is given to the Prosecutions (and you) which could be relied upon at the trial.
- Indictment** – an official written copy of the charges with some brief information about the circumstances of the charges.
- Witness statements** – a written record of what people have told the Police that the Prosecution could use during the trial in their case.
- Exhibits** – copies of pictures, things, diagrams, text messages, Facebook posts, medical reports, video recording, CCTV footage, items of clothing, etc. that the Prosecution could use during the trial in their case.
- Reports or test results** that the Prosecution could use in their case, for example: DNA test results, blood alcohol reading test, drug analysis.
- Statement of Facts** – this is a longer version of a QP9, which is a written version of what Prosecutions say are the details of the offence(s).

The ‘Case Review Hearing’ is also your chance to ask the Judge if you need a decision about the Prosecution’s evidence and/or to make applications. Applications may include seeking permission to get more information about the evidence that you have been given, and/or applying to have a pre-trial hearing about an issue that needs to be decided in preparation for the trial.

At the Case Review Hearing, you could let the Judge know about any of the following:

- Any further information about the charges and the trial that you have not received from Prosecution yet.
- Any issues that you would like to raise with the Prosecution and Judge that need to be sorted out before the trial.
- If you have an 'alibi' which is information or evidence tending to show that you could not have committed the offence that you are accused of because you were away, or busy, when the offence was allegedly committed.
- If you are going to use evidence from an expert.
- If you want to rely on ‘asserted fact’ evidence. This evidence is a statement about a fact, but the person who made the statement is unavailable, because of very exceptional reasons and therefore cannot give evidence about their statement. An example of this would be if Person A participates in an interview with the Police about seeing Person B steal a car, but by Person B’s trial, Person A is no longer able to attend court, give evidence and be cross-examined about their statement and what they saw. The Police would need to ask permission from the Court before they could play Person A’s interview about what they saw or heard Person B doing. **If you think you may have this sort of evidence, you need to seek legal advice and assistance to decide whether your evidence is in this legal category.**
- If you will be applying for bail at the Case Review Hearing, and/or asking to change some conditions of your bail.

Information about applying for Bail and/or varying Bail conditions is available via the [Queensland Courts website](#), [Legal Aid Queensland](#) and [ATSILS – Legal Fact Sheet Arrest and Bail](#).

Part 3: Preparing for the Trial Readiness Hearing

Part 3 provides information about the Trial Readiness Hearing. This information is to be used as a guide ONLY. It is not legal advice. Except for filling in Part 5 of this form, you should not provide any information or material to the court. If you do, it may become part of the Court file which could be disclosed in an investigation and used in Court, in a way that you did not intend.

You do not need to tell the court or the Prosecutions information about how you plan to defend the charges against you before your trial.

In sexual offence proceedings in the Brisbane and Ipswich District Courts, parties are required to attend a '**Trial Readiness Hearing**'. A Trial Readiness Hearing will take place three months before the trial, where the Judge will ask you and the Prosecution whether there are outstanding issues before your case is ready to proceed to trial. The Trial Readiness Hearing is an opportunity for the Court to make orders and to ensure the case is on track.

If you do not have a lawyer representing you, the following information is provided as an example of what the Judge might want to know when you go to Court:

- If any of your witnesses need an interpreter (Note: You will need to organise and pay for the interpreter yourself).
- If there is any other information, document or record that you need from the Prosecution that you still have not been given.
- If you want to ask the witness who made a report to the police any questions about their evidence (this is also called cross-examining the complainant).
- If there are any people or organisations that you want to 'subpoena'.
 - If yes, please visit <https://www.qld.gov.au/law/court/court-services/apply-to-issue-a-subpoena> to apply to issue a subpoena (Form 21).
- If you are going to use evidence from an expert.
- If you want to rely on 'asserted fact' evidence, please see information provided in preparation of the Case Review Hearing.

Part 4: Case Management Factsheet



Indictment Presentation

The first time a case is announced in the District Court, the Prosecution will present an indictment to the Judge. An indictment is the formal paperwork which records your name and the exact charges against you. The Judge will ask if the case is ready to be scheduled for a sentence or trial. If you tell the Judge that your case will require a trial date, (because you are pleading not guilty, or do not yet know how you will be pleading) the charges are listed in either the Brisbane or Ipswich District Court, and it relates to sexual offences, the case will be part of the 'Sexual Violence List' and scheduled for 'Case Review Hearing' in four weeks.



Case Management Form

ACTION: Please complete Part 5 of the 'Self-represented Defendant: Case Management Form' before you attend the Case Review Hearing.



Case Review Hearing

The Case Review Hearing is your chance to tell the Court what you will need to prepare and have ready before for the trial date and to make applications to the Court. At the Case Review Hearing the Court will schedule the trial date and all other court events (Pre-trial Hearings or Pre-records if applicable, the Trial Readiness Hearing and Trial Review) and will ask if you wish to cross-examine (question) the complainant when they give their evidence. If you want to cross-examine the complainant, the Court will make an Order for a lawyer to do this on your behalf as required by law.



Pre-trial Hearings

Pre-trial Hearings enable the Court to consider applications made in the case by you or the Prosecution on issues of law. For example, access to information that may be privileged, an application to stay (or pause) the case, or whether certain information (evidence) needs to be excluded. There may be several Pre-trial Hearings before the trial.



Directions Hearings

A Directions Hearing is a type of Pre-trial Hearing in which it is agreed how a witness will give evidence and be cross-examined. A Directions Hearing will be scheduled to occur before a Pre-recording of Evidence Hearing (if needed) because the outcome or decision can affect how evidence is obtained.



Pre-recording of Evidence

Child and special witnesses often give their evidence and are cross-examined through a video-link in another room located outside the courtroom. This evidence is recorded and played back at the trial. You will need to attend Court for a Pre-recording of Evidence Hearing and a Court-appointed lawyer will cross-examine the complainant or special witness on your behalf.



Case Management Form

ACTION: Please complete Part 5 of the 'Self-represented Defendant: Case Management Form' before you attend the Trial Readiness Hearing.



Trial Readiness Hearing

The Trial Readiness Hearing will take place three months before trial to raise any outstanding pre-trial or legal issues that need to be addressed.



Trial Review

The Trial Review is the final court event before the trial. This provides a further opportunity for arrangements to be confirmed in relation to how witnesses will be giving their evidence and be cross-examined.



Trial

The Trial is the final Court event. Guides to preparing and running a trial can be found via the following links: [Legal Aid Queensland](#) and [Caxton Community Legal Centre, 'The Law Handbook'](#).

Part 5: Your Details

Prosecution to complete: Date of Case Review Hearing _____

| | | |
|--|------------------------------|-----------------------------|
| What is your full name? | | |
| | | |
| What is your phone number? | | |
| | | |
| Are you in Custody? | | |
| Circle or check: | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| If yes, which correctional centre? | | |
| | | |
| What is your postal address? | | |
| <i>Where you are confident you will be able to collect your mail and/or it will be kept safe.</i> | | |
| | | |
| What is your email address? | | |
| | | |
| Do you require an Interpreter? | | |
| <i>If you let the Judge know you need an interpreter, the Court may be able to organise and pay for one to be available to you during the trial.</i> | | |
| Circle or check: | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| Do you intend to ask the complainant (person who is making the allegations) questions about their evidence? | | |
| <i>There are laws that stop the alleged victim/ complainant from being cross-examined (asked questions about their evidence) by the person who allegedly committed the sexual offences against them. If you want to question the complainant, the Court will make a 'cross-examination order' under section 21O of the Evidence Act 1977. This will mean that Legal Aid Queensland provides free legal representation to put your questions to the victim/complainant as cross-examination on your behalf. Circle your response below.</i> | | |
| Circle or check: | <input type="checkbox"/> YES | <input type="checkbox"/> NO |

By signing in the space provided, I am confirming that I received this form and to the best of my ability read the information in Part 1, 2, 3 and 4.

Signed:.....

Date:.....

Please mail your completed form seven (7) business days before the Case Review and Trial Readiness Hearings to 'Sexual Violence Case Reform Team' PO Box 15167, CITY EAST, QLD 4002 or provide the completed form to the Prosecution.