

PRACTICE DIRECTION CRIM 2 OF 2011
LODGMET OF BRIEFS

1. Application

- 1.1 This Practice Direction applies to all prosecution materials lodged pursuant to *Criminal Procedure Act 2004* (WA) (“CPA”) s95 (“the Brief”) after 10 October 2011.
- 1.2 This Practice Direction applies to both committals for trial and committals for sentence.

2. Lodgment of Briefs

- 2.1 CPA s95 does not specify the number of copies of the materials comprising the Brief that are required to be lodged with the Court pursuant to CPA s95.
- 2.2 The Court requires the prosecutor to lodge one paginated copy of the materials comprising the Brief within the time specified in *Criminal Procedure Rules 2005* (WA) r 20. The copy of these materials lodged with the Court may be double sided.
- 2.3 The prosecutor is required to maintain a bundle of the materials comprising the Brief consisting of:
- (a) the original of each signed witness statement;
 - (b) the original or best available other version of the evidentiary material relevant to the charge, which is to be the exhibit tendered at the trial of the matter; and
 - (c) a copy of each other document comprising the Brief.
- (“Original Brief”)
- 2.4 The Original Brief must be maintained in a form that can be readily and conveniently produced to the Court.

- 2.5 The prosecutor must produce the Original Brief to the Court at the commencement of any:
- (a) trial;
 - (b) sentencing hearing;
 - (c) pre-recording of evidence; and
 - (d) hearing at which the Court directs the Original Brief to be produced.
- 2.6 Subject to being able to comply with clauses 2.4 and 2.5, the prosecutor may cause original witness statements and evidential material to be maintained in the possession of the investigating agency.

PETER MARTINO
Chief Judge