

OVERVIEW OF DISCLOSURE FRAMEWORK (POST-AMENDMENTS) IN CCD CASES

Prosecution must disclose unused material in its possession which **tend to undermine the prosecution's case or support the accused's defence**, including:

- Statements of witnesses (including "material witnesses") that fulfil this criteria.
- Materials likely to be inadmissible but would provide a real chance of pursuing a line of inquiry that leads to material that is likely to be admissible, and *prima facie* credible and relevant to the accused's guilt/innocence.

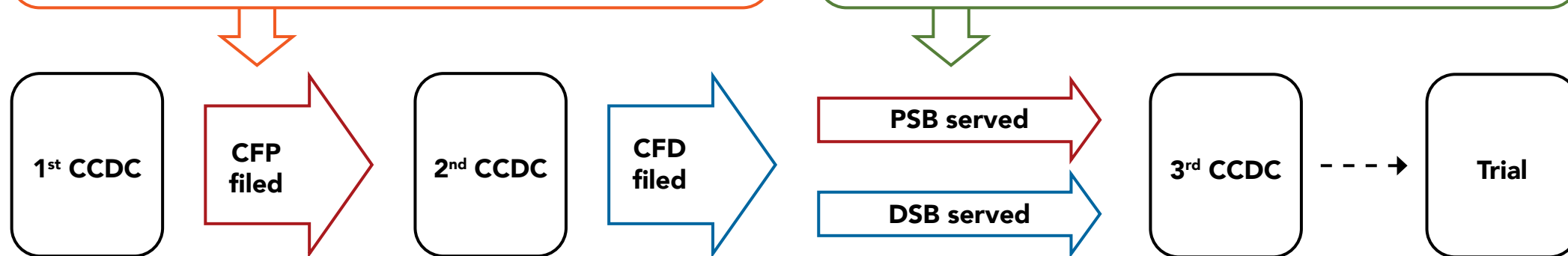
(Codification of the common law *Kadar Disclosure Obligations*)

Continuing obligation

Prosecution must disclose statement(s) of a "material witness" (i.e. any witness (other than a prosecution witness) who may confirm or contradict, in material respects, the accused's defence)

- If these statements are unused material that tend to undermine the prosecution's case or support the accused's defence, they would be disclosed earlier, when the CFP is filed.

(Codification of the common law *Additional Disclosure Obligations*)



CFP

- Charge(s)
- Summary of Facts
- List of the prosecution's exhibits and witnesses
- Accused's statements that the prosecution intends to adduce as part of its case (written statements and transcripts of video-recorded statements)
- **High Court cases:** *Conditioned statements of prosecution witnesses, which the prosecution intends to admit at trial (and accompanying documentary exhibits)*

PSB

- Copies of documentary exhibits in the list of exhibits
- All other accused's statements relevant to the charge(s) (written statements and transcripts of video-recorded statements)
- Criminal records (if any)

Legend:

CCDC: Criminal Case Disclosure Conference
 CFP: Case for the Prosecution
 CFD: Case for the Defence
 PSB: Prosecution's Supplementary Bundle
 DSB: Defence's Supplementary Bundle