



June 2009

Discussion Document: Criminal Procedure Case Progression Model

Purpose

1. This paper identifies possible changes that could be made to the way in which cases proceed in both the summary and indictable jurisdictions to reduce court delays.

Background

2. The Criminal Procedure (Simplification) Project is being jointly undertaken by the Ministry of Justice and the Law Commission. One of its key objectives is to reduce court delays. A further objective is to draft a new Criminal Procedure Act to modernise criminal procedure and consolidate the Summary Proceedings Act 1957 with other procedural provisions, particularly in the Crimes Act 1961 and the District Courts Act 1947.
3. The Simplification Project encompasses consideration of both policy and process changes, incorporating varying degrees of complexity and interdependence. Changes to both the summary and indictable jurisdictions are being considered.
4. In addition to the specific reforms being considered for each jurisdiction, there are a range of broader policy options being considered that are intended to apply in a similar way in both the summary and indictable jurisdictions. The proposals presented in this paper have been developed with some of these broader policy options and/or proposed changes in mind. They include:
 - i. Early charge scrutiny;
 - ii. Pre-trial identification of issues in dispute;
 - iii. Incentives and sanctions attached to compliance with pre-trial (and trial) obligations;
 - iv. Greater ability to proceed in the defendant's absence;
 - v. Statutory authority to proceed via audio links and audio-visual links;

- vi. A legislative basis to give sentence indications in the District and High Courts; and
 - vii. Availability of pre-trial application and appeal processes that do not unduly delay case progress.
5. Further, a review of legal aid is currently being undertaken by Dame Margaret Bazley.

Over-Arching Objectives

6. The following objectives for the criminal processes have shaped the proposals made in this paper:
- i. Processes are in place by which those who intend to plead guilty and not proceed to trial can do so as early in proceedings as practicable;
 - ii. Adjournments are only for necessary and identified purposes;
 - iii. Court processes do not, of themselves, contribute to unnecessary delay;
 - iv. Court hearings are held only when judicial decision or other intervention is required;
 - v. Parties focus on the case as early as possible after initial disclosure has been made;
 - vi. Out-of-court discussions are a standard (and expected) way of making progress on a case;
 - vii. The number of cases that fall over at or close to trial are minimised;
 - viii. Cases progress to trial as soon as practicable;
 - ix. When cases reach trial, all pre-trial matters have been resolved and there is a proper focus on the issues in dispute; and
 - x. The net benefits to the system of reforms outweigh the costs.

Proposed Process for Summary Offences

7. A flow chart is attached as Figure 1 to illustrate the proposed process for summary offences.
8. The first stage of a summary case is known as “the administrative stage”. This is the point between the laying of a charge and the entry of a plea.

9. Currently the administrative stage is characterised by “churn” and delay. In many cases there can be three or more appearances before a plea is entered. The reasons for the large number of appearances include delays in the assignment of legal aid, difficulties surrounding Police disclosure and the failure by counsel to take instructions in a timely way. The Criminal Disclosure Act 2008, which is due to come into force on 29 June 2009, is likely to improve the position so far as disclosure is concerned.
10. Under the Criminal Disclosure Act 2008 prosecutors are required to disclose, as soon as practicable and no later than 21 days after the commencement of a criminal proceeding, a summary of facts, a list of the defendant’s previous convictions and information about the defendant’s rights to further disclosure. Full disclosure must be provided as soon as reasonably practicable after a not guilty plea.
11. Recent tests in the Manukau and Tauranga District Courts investigated the benefits of routine disclosure of key documents by no later than the second appearance. This included the routine disclosure of documents such as witness statements, notebook entries and copies of videotaped interviews of the defendant. The tests showed there were significant benefits from routine disclosure of the key documents. In particular it resulted in a significant reduction in the number of appearances in the administrative stage. Accordingly we propose that the disclosure of key documents by no later than the second appearance should become standard. In addition, we suggest that there should generally be no more than two appearances in the administrative stage.
12. It has become a feature of the court process that all case management activities are centred around the court rather than cases being actively managed between court appearances. This includes the taking of instructions from clients, charge negotiations and discussions between the prosecution and defence.
13. While there are different practices in different District Courts, if a not guilty plea is entered, defendants are generally remanded to a status hearing as a matter of course. If the parties have not resolved matters at a first status hearing the case may be remanded for a second or even third status hearing.
14. The proposed model places the responsibility for managing cases back on the parties. The prosecutor and defence counsel are officers of the court and have duties to the court to progress cases responsibly and professionally.
15. Under the proposed model, immediately after the entry of a not guilty plea the prosecution and defence would be required to engage in case management discussions aimed at resolving the case or identifying the real issues in dispute if resolution cannot be achieved. The results of the case management discussions would be recorded in a jointly prepared

case memorandum which would also identify whether there are any pre-trial applications, any evidence that is to be admitted by consent, and any other matters that affect the hearing of the case. A status hearing would only take place if there is a matter, such as a request for a sentence indication, that requires judicial intervention.

16. The proposed process has a number of advantages. Better case management is likely to result in earlier withdrawals of charges, guilty pleas or other resolution of the case. It will also reduce the number of unnecessary appearances. Accordingly it has the potential for significant savings in both Judge and court time and hence substantial cost savings. Tests of the proposed process in the Manukau and Tauranga District Courts show early promise for a case management system of this type, although the full benefits could not be trialled because of difficulties surrounding the court scheduling practice and the absence of mechanisms to enforce compliance with the process.
17. There are two possible disadvantages or risks. First, though the experience with status hearings has been mixed, judicial probing can result in changes of plea in some cases. However, whether, and to what extent, judicial probing occurs depends on the individual judge. Though it is difficult to measure the time saved by judicial probing, it is likely that less time is saved by it than is expended in unnecessary appearances. Moreover, judicial probing would assume less importance if cases were properly managed by the prosecution and defence. Second, the efficacy of the proposed process depends upon appropriate incentives and sanctions to ensure that both prosecution and defence actively and rigorously manage their cases.

Proposed Process for Electable Offences

18. Two flow charts (figures 2 and 3) are attached to illustrate the proposed process for electable offences and for purely indictable offences. These have been provided as a basis for discussion, and as a tool to draw out the variety of options that apply at different points of the process. The flow chart for electable cases is based on the option (discussed below) of the election being postponed until a case management process has been completed. On that basis, the process for electable offences would be the same as for summary offences until the point of election. If the option of a deferred election is not favoured the process where jury trial was elected would be the same as for purely indictable cases (except that the middle band decision would not be required). Both models proceed on the assumption that the formal committal process would be dispensed with. However the current requirements for the prosecutor to file written statements and the ability to seek oral evidence in appropriate circumstances would remain.

Election

Postponement of election

19. Currently, defendants make the election decision during the administrative stage. As a consequence, this decision may be made in the absence of initial disclosure from the Police and in the absence of detailed legal advice. It will therefore often be made before the defendant has really decided that he or she wishes to defend the case. It may be appropriate to postpone the point of election to a later stage in the process so that election is made as part of the case management process.
20. In accordance with the proposed model for summary cases this would mean that following the entry of a not guilty plea the parties would be expected to engage in case management discussions aimed at resolving the case and/or identifying the real issues in dispute, the results of which would be recorded in a case management memorandum. The decision as to election would also be recorded in the case management memorandum. In this respect, there would not seem to be any reason in principle to require election decisions to be made in open court.
21. The advantages of postponing the point of election include:
 - The prosecutor would not be required to prepare formal written statements until the case management process has been completed and there is greater certainty that the case will proceed to trial. This may result in significant savings of prosecution time.
 - The defence would be better informed of the nature of the case and the possibilities of resolution before the decision as to election was made.
22. The disadvantages/risks of postponement of the election are:
 - The 42 day timeframe for the prosecution to file formal written statements (which was introduced as part of the recent changes to the committal process) would not begin until the date of filing of the case management memorandum or the date of the status hearing (if applicable) rather than at the point of plea. This extends the timeframe for the later part of the process in those cases that proceed to trial by between four and six weeks (being the estimated time required for a case management memorandum and status hearing if required). However, there would still be overall savings on our proposed model because cases will proceed straight from case management to first callover, with no intermediate 14 day period to allow for an application for an oral evidence order. There are also likely to be savings from the earlier case management process.
 - The case management process depends upon the existence of sufficient incentives and sanctions to ensure that the parties carry out the case management process responsibly and rigorously.

Ability to change election

23. Currently, a defendant has the ability to change his or her election until trial. Because the election decision determines the way in which a case progresses through the courts, changes to an election, once made, may result in delay and uncertainty. If the point of election is postponed until after the defendant has received full information and advice and has had the opportunity to attempt to resolve matters, there is arguably less need for there to be a residual ability for the defendant to change his or her election.
24. There are a number of options concerning changes to election that can be considered –
 - i. Continue to allow defendants to change election until trial.
 - ii. Require defendants to be bound by election once made.
 - iii. Allow a change in election once only, or more than once, so that a defendant may:
 - a. Change to either defended hearing or jury trial with leave;
 - b. Change from jury trial to defended hearing with leave but may not change from defended hearing to jury trial;
 - c. Change from jury trial to defended hearing without leave but may not change from defended hearing; or
 - d. Change from jury trial to defended hearing without leave and may change from defended hearing to jury trial with leave.
25. Our tentative view is that there should be no ability to change an election made unless the Court grants leave on the grounds:
 - i. that there has been a change of circumstances that might reasonably affect the election (e.g. charges that might have influenced the election decision are withdrawn); or
 - ii. that the change is from jury trial to summary trial at a point in the process that will not result in a delay in the case being heard.
26. The advantages of allowing a change of election only on these grounds are that it will preclude the delays and uncertainty associated with changes of election while preserving the ability for change in cases where fairness or convenience make it appropriate. Limiting the circumstances in which changes to the election can occur may be perceived as diluting the right to a jury trial. However, provided an election is made on the basis of appropriate information it is difficult to see why the right to jury trial imports an ability to change one's mind at the expense of disruption to victims, witnesses and the court.

Committal

27. The primary function of committal proceedings is to act as a means of establishing whether a prima facie case exists i.e. whether there is sufficient evidence to put the defendant on trial. In other words it acts as a filter protecting defendants from unwarranted prosecution and preventing the expense of unwarranted trials.

The current position

28. Recent legislative change to the committal process takes effect from 29 June 2009. These changes require the prosecution to file formal written statements within 42 days of the date of an election to trial by jury or the laying of an indictable charge. Thereafter committal is automatic unless the defence applies for an oral hearing within 14 days and the hearing is granted.
29. Until the recent legislative change, once a defendant was committed for trial, he or she was remanded to a trial callover. The Chief District Court Judge has since issued a Practice Note in light of the changes to the committal process. This requires the defendant to file a pre-committal check sheet within 14 days of the filing of the written briefs if the defendant wishes any of the following:
- to plead guilty
 - a sentence indication to be given
 - an oral evidence order
 - an extension of time to file an oral evidence order
 - to raise issues about disclosure.

If no check sheet is filed within the 14 day timeframe the defendant is automatically committed for trial and remanded to a trial callover.

Possible further reform

30. The changes to the committal process were a long time in germination. Since then a number of other jurisdictions such as the UK have abolished committal and/or preliminary hearings altogether. Given the comprehensive nature of the current project, consideration needs to be given to the possibility of further reform.
31. Arguably, the requirement for the prosecutor to file formal written statements, the possibility of oral evidence orders and the availability of section 347 discharges are all that is necessary to filter out cases where there is insufficient evidence to put the defendant on trial. The notions of committal and arraignment do not in themselves add to the process. However, they result in delay because a callover cannot be arranged until after the expiry of the 14 day period for making an oral evidence application at the earliest and, if the application is granted and evidence is heard, considerably later.

32. As we indicated earlier, the proposed process abolishes the concept of committal. However the critical steps associated with committal (e.g. written statements, taking of oral evidence) would remain. We note that in the UK committal has been abolished for indictable offences and there is no ability for oral evidence to be taken before the trial. However, in our view the ability to take oral evidence before a trial in appropriate cases is likely to filter out cases that should not proceed to trial and should remain. It protects defendants from unwarranted prosecutions and saves the expense of unwanted trials.
33. The proposed process is that once the formal written statements have been filed the case would be allocated a pre-trial callover date that would be approximately 21 days from the time of filing. As discussed below oral evidence orders would continue to be available but would occur at a later stage of the process.
34. If this process was to be adopted there are a number of ancillary issues that would need to be resolved, including the point at which Crown Solicitors would become involved, whether the original charge should continue to apply subject to the ability to amend it, and when and by whom oral evidence orders should be heard. These issues are discussed further below.

Involvement of the Crown

35. Currently the Crown becomes involved in a case from the point of committal. If there is no committal process, there needs to be a clear understanding about the point at which the Crown becomes involved. We suggest there should be Crown involvement from the point an election is made. While the police would continue to prepare the formal written statements, this would be done under the supervision of Crown Solicitors. Though this may involve additional Crown Solicitor costs, earlier involvement of the Crown is likely to result in an improvement in the quality of the formal written statements, earlier identification of any problems with the case, and charge negotiation and active case management at an earlier stage. Accordingly while further work is necessary to cost proposals, it seems like that any additional Crown Solicitor costs will be offset by savings associated with better case management.

Laying charges on indictment

36. Without the committal process the pre-trial process becomes a one step rather than two step process. It therefore seems logical that charges as originally laid should simply continue subject to the power of the Crown Solicitor to amend them without leave within a specified timeframe (and subsequently subject to leave of the court). This process is likely to result in slight savings in Crown Solicitor time associated with the preparation of indictments. In addition it is likely to be more understandable to victims, witnesses, defendants and the general public.

It also avoids the need for legal aid to be considered and granted twice (although there may be a need for counsel to be reassigned following an election if the assigned counsel is not authorised to conduct jury trials).

37. There are two possible disadvantages. The first is that the laying of an indictment (and arraignment) provides a further opportunity for the accused to plead guilty. However, if cases are appropriately managed by the parties, this opportunity may be of limited importance. The second is that the process of indictment and arraignment may add to the formality and solemnity of the trial process. These disadvantages need to be weighed against the benefits of a simplified and streamlined process.

Oral evidence orders

38. Currently an application for an oral evidence order must be made to a District Court Judge within 14 days of the filing of the formal written statements. An oral evidence order will be granted if it is in the “interests of justice”. If granted, the evidence is heard by Justices of the Peace (or a District Court Judge) who either commits the defendant for trial or enters a discharge at the conclusion of the oral evidence.
39. If committal is abolished, it is necessary to consider when, how, and by whom oral evidence should be taken.
40. Under the proposed model, the defendant would indicate on the case management memorandum whether an oral evidence order is sought and if sought, the application would be dealt with at the first callover. On that basis, the application for oral evidence would be heard by a District Court Judge or High Court Judge (depending on where the trial is to take place). If the application is granted the Judge could give directions as to how the evidence is to be taken. The taking of evidence may be before a judge if the reason for the application is to support some other application (such as a section 344A application) and it would assist the Judge to hear the evidence. Alternatively the Judge could direct that the evidence be taken by a Registrar, in the case of the High Court, and a Registrar or Justice of the Peace, or Community Magistrate in the case of the District Court.
41. In evaluating this option, it is important to consider the circumstances in which oral evidence is likely to be ordered. As we outlined earlier, the purpose of committal (and hence the process of filing written briefs and oral evidence orders) is to filter out cases that ought not to proceed to trial. It follows that oral evidence orders are likely to be granted only in circumstances where there is reason to believe that the examination and cross examination of a witness will expose a fundamental flaw in the case (for example, that the key identification witness is unable to identify the defendant) or to indicate that crucial evidence is inadmissible. In those circumstances we suggest (i) that oral evidence orders are likely to be uncommon, and (ii) that in a significant proportion of cases they will

involve cases where the courts already hear oral evidence as part of a pre-trial application, such as a section 344A pre-trial admissibility hearing.

42. There are a number of advantages in dealing with oral evidence in this way. First, hearing oral evidence as part of a one step trial process allows the setting of earlier trial dates. It offers more flexibility than the current process about who hears the evidence. More significantly, it will mean that evidence does not need to be heard two or three times (depositions, pre-trial application, and trial) as sometimes currently occurs. Not only would that save costs, but it would also mean much less disruption for victims and witnesses.
43. The main disadvantage of the model is that the opportunity for dismissal of charges on committal hearings would no longer exist and section 347 applications might be made slightly later in the process. However dismissals at committal are uncommon and any delays in the section 347 process are likely to be offset by the time savings arising from the fact that an indictment would no longer need to be prepared and filed. It would also involve some transfer of costs from Police (who currently argue oral evidence applications) and are involved in the taking of evidence) to Crown Solicitors.

Callovers

44. A Criminal Jury Trials Practice Note sets out the time limits and processes for pre-trial matters in criminal jury trials in the District Court. The time limits are maximum limits which may be reduced if local circumstances permit.
45. The process prescribed by the Practice Note is as follows:
 - i. The Crown is required to file and serve an indictment within 42 days (six weeks) after committal as required by section 345A Crimes Act 1961;
 - ii. A trial callover is to take place no later than 84 days (12 weeks) after committal;
 - iii. At least 21 days (three weeks) prior to the first trial callover the Crown is required to file and serve a trial callover memorandum together with a summary of the alleged facts. The memorandum is required to identify any outstanding issues and any pre-trial applications that need to be dealt with and set out a variety of matters to the management of the trial;
 - iv. Defence counsel is required to file and serve a memorandum in response no less than 7 days prior to the callover. The defence memorandum includes a number of additional matters, such as whether counsel has been assigned or instructed, the possibility of

a guilty plea, and whether there is a request for a sentence indication.

46. At the callover (at which counsel and the accused are expected to be present) a trial date is set unless there are outstanding issues or court scheduling does not allow the date to be set. Where there are outstanding issues either a date is set for a pre-trial application or another callover date is set or both. While practice varies across the country, in some courts it is not uncommon for there to be three, four or even five callovers before the date for trial is finally set. At many of these there is no need for judicial intervention. The callover may simply be for the purpose of an adjournment to a further callover. This is not a good use of judicial time.
47. Under the proposed process the summary checklist required by the recent practice note would no longer be necessary because there would be a case management process before the election was made. However, as under the current process the defendant would be remanded to a trial callover once the election is made. This could be done at a court counter process if there is no issue that requires judicial intervention.
48. The callover date would be a date 21 days after the expiry of the 42-day period for filing of formal written statements (subject to any application for extension). In this respect, the trial callover date would occur earlier than occurs under the current process.
49. As now, the Crown and the defence would be required to file a case management memorandum that would identify any pre-trial applications and management issues for the trial. However, rather than being a separate memorandum, the Crown and the defence would be expected to actively engage in case management discussions and to complete the memorandum jointly. This would ensure that points of agreement and different are accurately identified, and recorded, rather than there being separate memoranda that may bear absolutely no relationship to each other, as sometimes occurs under the current process. The earlier involvement of the Crown in the process provides a greater opportunity for more meaningful discussion to occur before the memorandum is completed which is likely to enhance its usefulness. The parties would also work with the Court registry to arrange a suitable trial date and this would be recorded in the memorandum. This would save a considerable amount of valuable judicial time that is currently spent in sorting out trial dates.
50. It is envisaged that a callover would only take place if there is a matter requiring judicial intervention. Otherwise the case would be removed from the callover list and the defendant's bail renewed via a Court counter process. This has the potential to bring about considerable savings in both judicial and court time.

51. Many courts currently hold a teleconference a short time before the trial (the exact timeframe varies from Court to Court) to check that the trial will proceed and whether there are outstanding issues. This has proved a valuable tool and it is retained under our proposed model. We consider that three weeks prior to trial may be a suitable timeframe for this teleconference. We suggest this timeframe because a three week period is sufficient to enable another trial to be scheduled if the trial is not to proceed.
52. Though similar to the current system of memoranda and callovers, the advantage of the proposed system is that it places the responsibility for case management fairly and squarely on counsel. Judges and courtrooms would be utilised only if there are matters requiring judicial intervention. This potentially frees up a significant amount of both Judge and courtroom time. The main risk is that it depends on active management of cases by counsel backed up by an effective system of incentives and sanctions to ensure this occurs. There may also be some difficulties in physically setting up a counter process in some courts as they are currently configured.

Proposed Process for Purely Indictable Offences

53. There are many similarities between the process for electable offences (Figure 2) and the process for purely indictable offences in Figure 3. The discussion below therefore focuses on the points of difference.

Formal opportunity to plead in the administrative stage

54. Until recently a defendant on a purely indictable charge was not provided with a formal opportunity to plead in the administrative stage. In addition, section 153A of the Summary Proceedings Act 1957 requires that a plea of guilty entered prior to committal be in writing. There is therefore little incentive or opportunity to enter an early guilty plea.
55. The recent Practice Note issued by the Chief District Court Judge now provides the defendant to be asked whether he or she wishes to plead guilty on the second appearance (this takes place three weeks after the first appearance which allows for the assignment of legal aid and initial disclosure by Police).
56. This new process will continue under our proposed model. We also propose removal of the requirement in section 153A of the Summary Proceedings Act 1957 for guilty pleas to be in writing. Such a requirement was appropriate to deter early guilty pleas at a time when disclosure was not available. However, the Criminal Disclosure Act 2008 ensures that there is sufficient disclosure at the administrative stage to properly inform the plea. There is also sufficient time between the first and second appearance to ensure counsel can be assigned or be instructed. In those circumstances, there no longer appears to be a need for a requirement for guilty pleas to be in writing.

57. Once a plea has been taken the defendant would be remanded to a trial callover except in middle band cases. In middle band cases there would be a remand to a middle band date. This would be a counter process, at which the defendant would be notified of the middle band decision and be further remanded to the trial callover.

The Involvement of the Crown

58. Currently the Crown becomes involved only after committal. Consistently with the proposed process for electable offences, under the proposed model for purely indictable offences, the Crown would become involved when a not guilty plea is entered and would supervise the preparation by police of the formal written statements. While this would involve additional costs for the Crown, these are likely to be offset by savings from earlier and more robust case management.

The middle band decision

59. Possible reform of the middle band is being considered as part of the Criminal Procedure (Simplification) Project. However, it is likely to continue in some form. It is therefore necessary to consider at what point in the process the middle band decision would be made if the formal committal process was abolished.
60. It seems desirable that middle band decisions be made following the case management process. This will ensure that decisions are made only in those cases that are likely to proceed to trial, when the charges are more likely to be in their final form. We propose that at the time the formal written statements are filed, the Crown Solicitor would also file a memorandum indicating the Crown's view on whether the case should proceed in the District Court or the High Court and the reasons for that view. The defence would then have 7 days from the date of filing of the written statements to file a memorandum outlining its views on which court should hear the case and the reasons for that view. The Court would then be required to make the middle band decision within 7 days, with the file being transferred to the High Court immediately after the middle band decision, if the trial is to proceed in that court.
61. The main advantage of the proposed process is that it puts a clear timeframe around the middle band decision. This would avoid the delays with the process that sometimes occur under the current system.

Callovers

62. A 1995 practice note on Criminal Jury Trials case flow management in the High Court sets out indicative timeframes for the post-committal process. The process has the following features:
- Legal aid applications to be filed promptly after committal;

Not Government Policy

- Depositions to be available to all parties by no later than 14 days after committal to enable middle band decisions to be made, an indictment to be prepared and counsel to determine what pre-trial applications are necessary;
 - A draft indictment is to be made available for defence counsel not less than 7 days prior to callover unless the indictment has already been filed;
 - A first callover should be within 49 days of committal at which the accused will be formally arraigned (with a further arraignment at the trial) and at which any pre-trial applications are identified;
 - Where there are no pre-trial applications a trial date will be set which should be within 11 weeks of the first callover;
 - Where there are pre-trial applications there will be a second callover once they have been dealt with;
 - The maximum period from committal to trial date will be 18 weeks where there are no pre-trial matters and 22 weeks where a second callover date is necessary before a trial date is set.
63. However, as with the electable process, practice varies across the country both as to the timeframes within which various events take place and the number of callovers that occur. We understand that the specified timeframes, particularly relating to trial dates, are rarely, if ever, met. In some courts there can be three or four callovers, some of which have no other purpose than the fixing of a further callover date.
64. Under the proposed one step process to trial, there would be no need for a further legal aid application since counsel would be assigned to the case in the administrative stage. The callover date would also be set during this stage (except in middle band cases as outlined above).
65. Before the callover, the parties would complete a joint memorandum as proposed for the electable process. However, the memorandum would contain some additional information such as whether a sentence indication is sought (under the electable process sentence indications will be sought and obtained before the election is made). Thereafter the process would be the same as the process for electable cases.
66. As with the electable process, the model has the potential to result in much earlier trial dates than is possible under the current process and more effective use of both judicial and courtroom time. However its effectiveness depends upon proper case management by prosecution and defence and sufficient incentives and sanctions to ensure this always occurs.

FIGURE 1: PROPOSED SUMMARY PROCESS

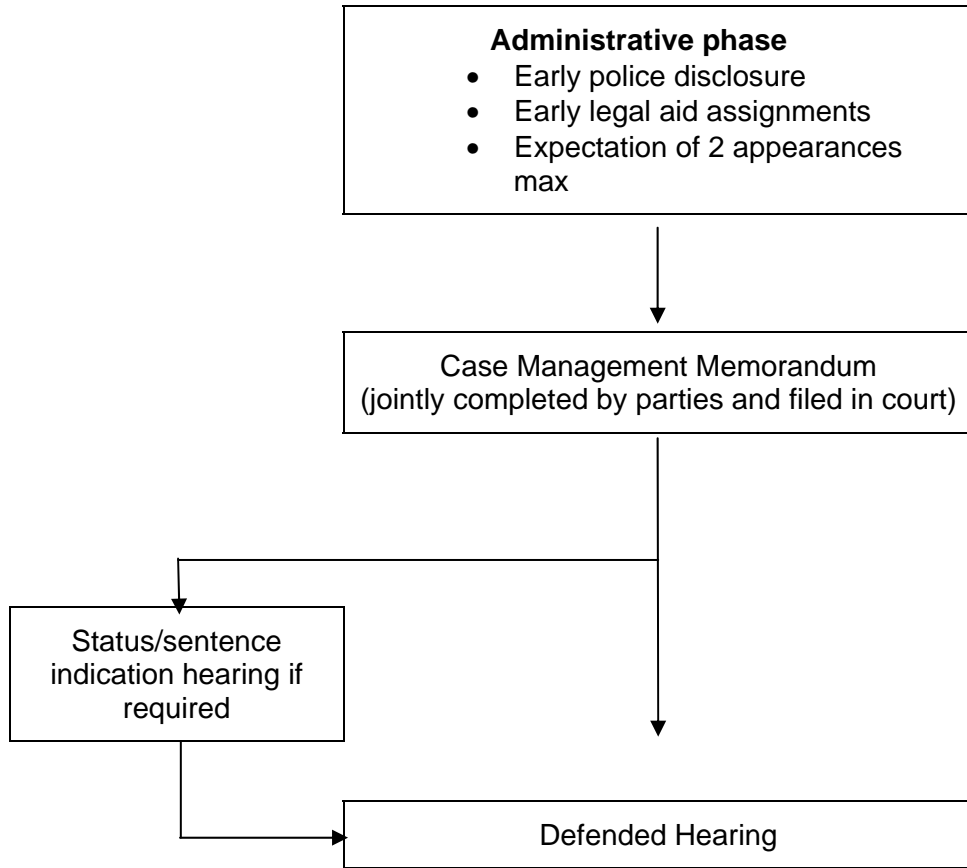


FIGURE 2: ELECTABLE OFFENCES

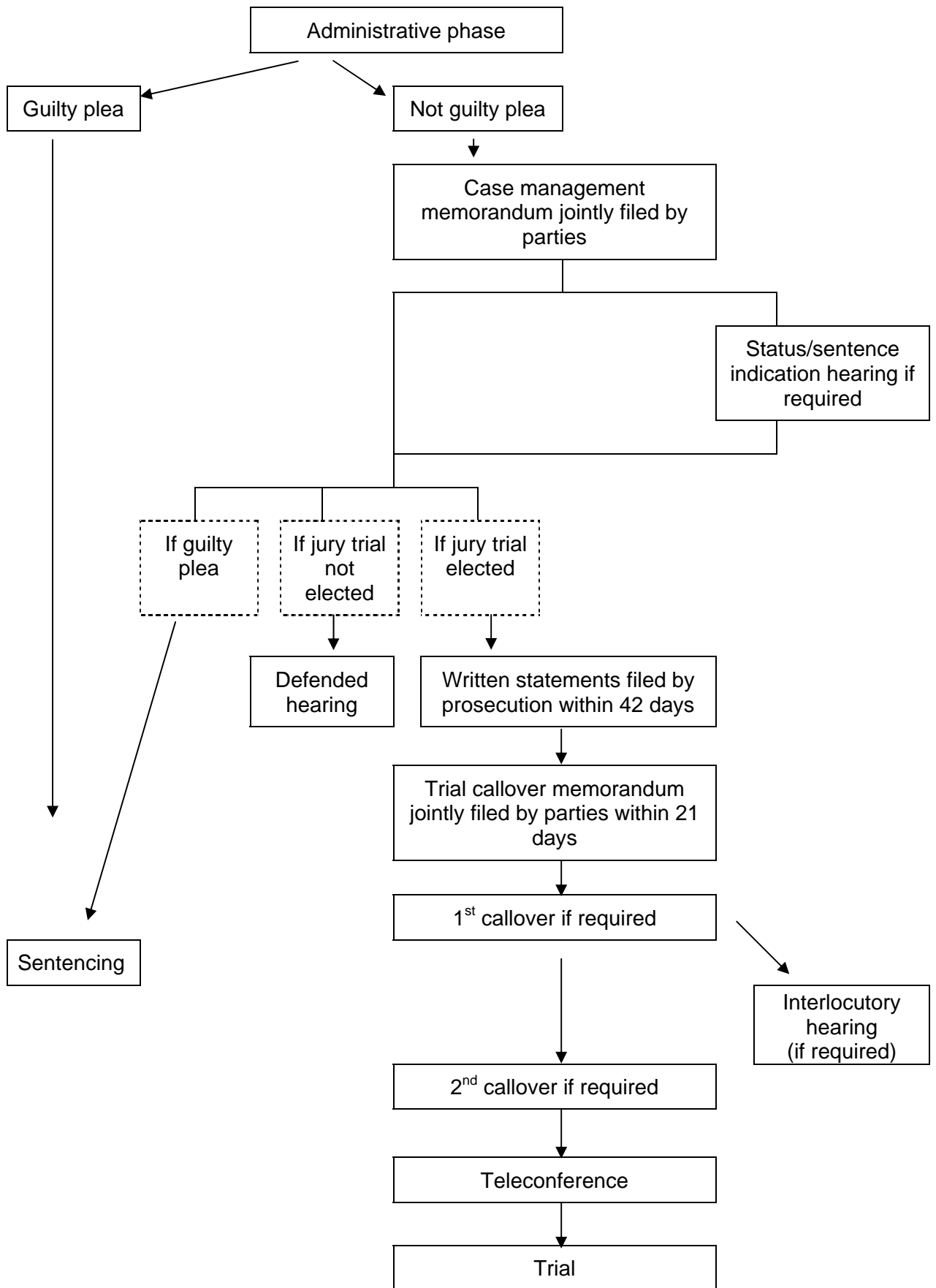


FIGURE 3: PURELY INDICTABLE OFFENCES

