

**RULES OF THE PROVINCIAL COURT OF NEWFOUNDLAND AND LABRADOR
IN CRIMINAL PROCEEDINGS, 2004**

PRACTICE NOTE – DIRECTION

P.N. (PC) No. 2012-01

DATE ISSUED: March 12, 2012

RULES AFFECTED: None

EFFECTIVE DATE: Immediately

PREVIOUS PRACTICE NOTES REVISED: N/A

The following Practice Note was filed with the Director of Court Services and is published consistent with rule 7.01 of the Rules of the Provincial Court of Newfoundland and Labrador in Criminal Proceedings, 2004.

REQUESTS FOR PRE-SENTENCE REPORTS

In an effort to further improve efficiency at Provincial Court, accused persons requesting a Pre-Sentence Report (PSR) will now be required to fill out a “Request for Pre-Sentence Report” form (sample attached). This form will accompany the Judicial Requisition for Pre-Sentence Report, not replace it.

Rationale

Upon reviewing the PSR process it was determined that a large number of these matters did not proceed on their first scheduled sentencing hearing date. This resulted in unproductive, unnecessary appearances. Delays prevent those accused, victims and witnesses moving on with their lives and are inimical to the best interests of the administration of justice.

During the last several months representatives from Provincial Court and stakeholders convened to discuss the various impediments to the timely completion of PSRs and ways to improve them. It is anticipated that reviewing and signing a “Request for Pre-Sentence Report” form will afford the accused an opportunity to discuss the PSR process and the possible contents of the report with their counsel so that they might understand the purpose of the PSR and the obligations which must be fulfilled to properly facilitate the process.

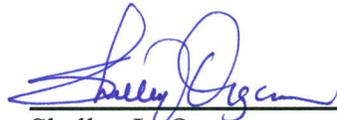
Preferred Procedure

An accused found guilty of an offence or pleading guilty to an offence, who requests a PSR under s.721 (1) will be required to fill out and sign a "Request for Pre-Sentence Report". A copy of this form is attached. The accused will be asked to consent to being placed on an Undertaking to attend the necessary times to complete the PSR.

Authorized by:



D. Mark Pike
Chief Judge
Provincial Court of Newfoundland and Labrador



Shelley L. Organ
Director of Court Services
Provincial Court of Newfoundland and Labrador



Provincial Court of Newfoundland and Labrador

REQUEST FOR PRE-SENTENCE REPORT

Defense: _____ Crown: _____

Accused: _____ Date of Birth: _____ (yy/mm/dd)

On remand: _____ Name of Institution

-OR-

Address: _____

Postal Code: _____

Phone Number(s): _____ (h) _____ (w) _____ (c)

Offences: _____

Pursuant to s.721(1) of the Criminal Code of Canada the accused herein requests that a Pre-Sentence Report be prepared on the following:

Risk Assessment only _____ Risk Assessment _____ in addition to following (please check additional requests):

Suitability for: Probation _____ Community Supervision _____

Community Service Order _____

History: Criminal _____ Social _____ Education/Employment _____

Summary of: Financial/Social circumstances _____ Available treatment Services _____

Other _____

I, _____, acknowledge that I am requesting the within Report and I (print name of accused) further acknowledge that I do so with the full understanding that the information contained in this report can/will be used by the Court in determining a fit and just sentence. I have been advised that should I fail to keep appointments with the Report's author or otherwise fail to cooperate in the preparation of the Report, the Court may rescind the requisition for the Report and proceed to impose my sentence without any Report.

Dated at _____, this _____ day of _____, 201_,

Accused Signature

Witness Signature