

GUIDED STUDY QUESTIONS

Prepare brief answers to the following questions as part of your preparation for the session. Please note that these questions are based on the paragraphs in Blackstone's that you are required to learn for this topic, but not every paragraph is covered by a specific question below. In the assessment you may be asked any question arising from material in the paragraphs set out in the syllabus, so it is important that you learn all of the paragraphs whether they are dealt with in the questions below or not.

1. What information must the **prosecution provide to the court** no later than the **beginning of the day of the first hearing**?
 - D5.20. Rule 8.2(1)(a) requires the prosecutor to provide the court 'initial details' of the prosecution case.
 - When someone is arrested without bail, they must be released within 24 hours.
2. Assume that a defendant has **pleaded not guilty** to a summary only offence or to an either-way offence for which the magistrates have **accepted jurisdiction** and the defendant has **consented to summary trial**. What will happen next to the case?
 - D21.35. A pre-trial hearing takes place, where the magistrates may decide any question as to the admissibility of evidence and any other question of law relating to the case.
 - D21.33.
 - D3.16.
 - Case must be adjourned for trial; The court will do other things during that time.
 - If defendant is on bail, first hearing is where everything is sorted out and then a trial. Sometimes there may be a second hearing.
3. What "case management" should occur in the magistrates' court?

Guided Study Work Section Answers

Annelies Wilder-Smith



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