

IN THE SUBORDINATE COURTS OF THE REPUBLIC OF SINGAPORE

REGISTRAR'S CIRCULAR NO. 4 OF 2011

CRIMINAL CASE RESOLUTION (CCR)

Introduction

1. **Commencement Date.** The Subordinate Courts will be implementing the Criminal Case Resolution (CCR) process wef 10 October 2011.
2. **The Aim of CCR.** The primary aim of CCR is to provide a neutral forum, facilitated by a judge, for parties to discuss and explore the possibility of early resolution of criminal cases. This reduces wastage of valuable resources due to 'cracked' trials where the accused person pleads guilty on the day of the trial or after the trial has commenced. For cases where a trial is necessary, CCR process will assist parties to identify the material triable issues and thereby utilise allocated trial dates in a more focused and efficient manner.

Referral for CCR

3. **Suitability for CCR.** CCR would generally be considered only for cases where the accused persons are represented by counsel and have a reasonable prospect of early resolution. CCR could be considered where:
 - (a) the accused person has indicated an intention to claim trial to the charge(s), or is undecided whether or not to claim trial; and
 - (b) the accused person intends to plead guilty, but there are disputed areas e.g. issues of fact in the Statement of Facts or the mitigation plea, which may otherwise require a Newton hearing
4. **Interplay of CCMS and CCR.** A criminal case would generally have gone through the Criminal Case Management Scheme (CCMS) between the Attorney-General's Chambers and defence counsel prior to CCR. If the case is unresolved after CCMS, it may be referred for CCR. Referral may be initiated by the Pre-Trial Conference / Criminal Case Disclosure Conference Judge or by the parties concerned, provided that both parties consent. Depending on the circumstances, cases may be referred for CCR before or after trial dates are fixed.

Conduct of CCR

5. **Presided by a CCR Judge.** Each CCR session will be facilitated by a senior and experienced District Judge (the "CCR Judge") and conducted in the judge's chambers. The number of CCR sessions per case may vary and would depend on the complexity of the case and other relevant factors. There would ordinarily be not more than two CCR sessions for a case.

6. **Facilitative and not evaluative role.** The CCR Judge plays a facilitative rather than an evaluative role during the CCR session. He would not, for example, give any indicative assessment of the relative merits of the case for the prosecution and the defence, although he may comment on specific aspects of evidence, possible inferences or legal issues as appropriate.

7. **Indication of sentence where appropriate.** The CCR Judge could consider exercising his discretion to give a sentence indication in an appropriate case. In order to avoid any perception of the accused person being coerced or pressured to plead guilty, a sentence indication would only be considered if such indication is sought by the accused person. Sufficient information should be provided to the CCR Judge for a proper assessment to be made. The information would include a summary of facts by the prosecution, the accused person's antecedent records and mitigating factors if any. Both the prosecution and the defence would be asked to provide their input prior to a sentence indication being given.

Case Closure

8. **A plea before the CCR Judge.** If in the course of CCR an accused person decides to plead guilty, the CCR Judge could, with the consent of the parties, proceed to take the plea and pass the sentence. Alternatively, the plea may be dealt with by another Judge.

9. **Surfacing of new material facts.** Where, subsequent to the sentence indication being given, material new facts are made known to the judge taking the plea, then the sentence indication would be invalid. In such a case, the judge would inform the accused person that the sentence indication might not be followed. The accused person would then be allowed to reconsider whether to maintain the plea of guilt. The judge could also consider giving a new sentence indication in light of the new facts.

10. **Confidentiality of CCR sessions.** Where a case remains unresolved at CCR and proceeds to trial, any notes taken by the CCR Judge would not be included in the case file and would not be accessible to the trial judge. All discussions at the CCR session(s) are confidential and without prejudice. The CCR Judge will not be assigned to hear the case as trial judge. Nothing said by any party during the CCR session(s) may be tendered in evidence in court.

Dated this 3rd day of October 2011



JENNIFER MARIE
REGISTRAR
SUBORDINATE COURTS