



**APPEAL COURT TRIAL MONITORING CHECKLIST**

**A. General Trial Information**

1. OVERVIEW				
Case Number	..... <input type="checkbox"/> I/U If I/U, comment: .....			
Appeal Court	<input type="checkbox"/> Phnom Penh <input type="checkbox"/> Tbong Khmum <input type="checkbox"/> Battambang <input type="checkbox"/> Preah Sihanouk			
1(a) Trial Date:	..... Start Time: ..... Room Number: .....			
1(b) Monitors:	.....			
1(c) Party bringing the appeal (give reasons):	<input type="checkbox"/> Defense <input type="checkbox"/> Prosecution(Court of first instant or Appeal Court) <input type="checkbox"/> Civil Party <input type="checkbox"/> Civil Defense Reason for appeal: ..... Date of Appeal: ..... <input type="checkbox"/> I/U			
1(d) Judge:	1 <sup>st</sup> 2 <sup>nd</sup> 3 <sup>rd</sup> 4 <sup>th</sup> 5 <sup>th</sup>			
1(e) Prosecutor:				
1(f) Clerk:				
1(g) Lawyer:				
1(h) Number of Defendant	Total:			
	Adult:	Male:	Present:	Absent:
		Female:	Present:	Absent:
	Juvenile:	Male:	Present:	Absent:
		Female:	Present:	Absent:
	Legal Person Representative:	Male:	Present:	Absent:
Female:		Present:	Absent:	
1(i) Number of Victims	Total:			
	Adult:	Male:	Present:	Absent:
		Female:	Present:	Absent:
	Juvenile:	Male:	Present:	Absent:
		Female:	Present:	Absent:
	Legal Person Representative:	Male:	Present:	Absent:
Female:		Present:	Absent:	
1(j) Original verdict and sentence	Imprisonment: D1: D2: D3: D4: D5:	Fine:	Compensation:	Date of verdict:
		D1:	D1:	.....
		D2:	D2:	<input type="checkbox"/> I/U
		D3:	D3:	
		D4:	D4:	
		D5:	D5:	

Note:

1(k) Which court of first instance is the party appealing from?	.....
1(l) Which prison was the defendant detained?	..... <input type="checkbox"/> N/A <input type="checkbox"/> I/U

**TRIAL RIGHTS**

<b>2. RIGHT TO A PUBLIC HEARING</b>	
2(a) Was notice of the hearing posted on a public board outside the courtroom or online?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, on: <input type="checkbox"/> Board <input type="checkbox"/> Online <input type="checkbox"/> Both
2(b) Were members of the public or media prevented from entering or dismissed from the courtroom?	<input type="checkbox"/> Yes <input type="checkbox"/> No Reason: .....

<b>3. RIGHT TO UNDERSTAND THE NATURE OF THE CHARGE</b>	
3(a) Did the judge state all relevant charges against all accused?	<input type="checkbox"/> State all <input type="checkbox"/> State some <input type="checkbox"/> None
3(b) Did the judge state the relevant law?	<input type="checkbox"/> Yes <input type="checkbox"/> No
3(c) Did the judge state the date of the alleged crime?	<input type="checkbox"/> Yes <input type="checkbox"/> No
3 (d) Did the judge state the place of the alleged crime?	<input type="checkbox"/> Yes <input type="checkbox"/> No
3(e) Did the judge state the parties involved?	<input type="checkbox"/> Yes <input type="checkbox"/> No

Note:

3(f) If required, was an interpreter provided?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
3(g) If required, were provisions made for those with disabilities	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
If yes, what disability was provided for?	<input type="checkbox"/> Hearing	<input type="checkbox"/> Sight	<input type="checkbox"/> Other
Comment: .....			

**4. EXPLANATION OF RIGHTS** N/A

4(a) Did the judge inform (I) and explain (E) to the defendant their right to legal representation or to self-defense?	<input type="checkbox"/> I only	<input type="checkbox"/> I and E	<input type="checkbox"/> Neither I nor E
			<input type="checkbox"/> Lawyer Represented
4(b) Did the judge inform (I) and explain (E) to the defendant their right not to answer or answer?	<input type="checkbox"/> I only	<input type="checkbox"/> I and E	<input type="checkbox"/> Neither I nor E

**5. RIGHT TO CALL AND EXAMINE WITNESSES**

5(a) Was there anything said by any party during the hearing or did anything happen to suggest that any party <b>was not</b> given the opportunity to call witnesses?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
If yes, which party?	<input type="checkbox"/> Prosecutor	<input type="checkbox"/> Defense	<input type="checkbox"/> Civil Party
Reason:			
If yes, was a formal application made at any stage during the hearing for the witness to attend?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
5 (b) Were the witnesses present in the courtroom before they were questioned?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A

Note:

**PLEASE GIVE A CLEAR DESCRIPTION OF THE FACTS OF THE CASE:**

<b>6. PRESENTATION OF EVIDENCE:</b>	
<b>6.1: PROSECUTION</b> <input type="checkbox"/> N/A	
<b>6.1(a) Confession evidence</b>	Where was confession made? <input type="checkbox"/> Police <input type="checkbox"/> Prosecutor <input type="checkbox"/> Investigating Judge <input type="checkbox"/> Other: ..... <input type="checkbox"/> No
<b>6.1(b) Documentary evidence</b>	Summary of Contents: <input type="checkbox"/> N/A
	Reason (if known) that evidence is read and witness not present: <input type="checkbox"/> N/A <input type="checkbox"/> I/U
	Were there any Submissions re-reading out evidence rather than calling witness made by any party? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A If Yes, which party? <input type="checkbox"/> Defendant <input type="checkbox"/> Civil Party <input type="checkbox"/> Other: Detail:
	Does any party disagree with content? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A If Yes, who? <input type="checkbox"/> Defense <input type="checkbox"/> Civil Party <input type="checkbox"/> Other: Detail:
<b>6.1(c) Live witness evidence</b>	Summary of Evidence: <input type="checkbox"/> N/A
	Challenges to the evidence by any other party (describe nature of challenge and detail which party): <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A If there were any challenges, which party made the objection; <input type="checkbox"/> Defense <input type="checkbox"/> Civil Party <input type="checkbox"/> Other: Detail:

Note:

<b>6.1(d) Expert evidence</b>	Type: <input type="checkbox"/> forensic <input type="checkbox"/> medical  <input type="checkbox"/> other: <input type="checkbox"/> N/A
	Expert present or statement/report read out? <input type="checkbox"/> Present <input type="checkbox"/> Absent <input type="checkbox"/> N/A If absent, giving reason: <input type="checkbox"/> I/U
	Other parties agree with expert evidence? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A  If No, who and why? <input type="checkbox"/> Defendant <input type="checkbox"/> Civil Party <input type="checkbox"/> Other: Detail:
	If read out and expert not present, submissions re-reading out evidence rather than calling expert made by any party? Give details.  <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A If Yes, which party? <input type="checkbox"/> Defendant <input type="checkbox"/> Civil Party <input type="checkbox"/> Other: Detail:

<b>6.2 DEFENSE</b> <input type="checkbox"/> N/A	
<b>6.2(a) Summary of the defendant's confession in the hearing, if there is any</b>	<input type="checkbox"/> No <input type="checkbox"/> Defendant Absent  .....
<b>6.2(b) Documentary evidence</b>	Summary of Contents: <input type="checkbox"/> N/A
	Reason (if known) that evidence is read and witness not present:  <input type="checkbox"/> N/A <input type="checkbox"/> I/U
	Submissions re-reading out evidence rather than calling witness made by any party?  <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A If Yes, which party <input type="checkbox"/> Prosecutor <input type="checkbox"/> Civil Party <input type="checkbox"/> Other: Detail:
	Does any party disagree with content? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A  If yes, which party? <input type="checkbox"/> Prosecutor <input type="checkbox"/> Civil Party <input type="checkbox"/> Other: Detail:

Note:

<b>6.2(c) Live witness evidence</b>	Summary of Evidence: <input type="checkbox"/> N/A
	Challenges to the evidence by any other party (describe nature of challenge and detail which party)  <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A  If there is any which party that make the objection; <input type="checkbox"/> Prosecutor <input type="checkbox"/> Civil Party <input type="checkbox"/> Other: Detail:
<b>6.2(d) Expert evidence</b>	Type: <input type="checkbox"/> Forensic <input type="checkbox"/> Medical  <input type="checkbox"/> Other: <input type="checkbox"/> N/A
	Expert present or statement read out? <input type="checkbox"/> Present <input type="checkbox"/> Absent  If absent, reason given: <input type="checkbox"/> I/U
	Other parties agree with expert evidence? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A  If No, who and why? <input type="checkbox"/> Prosecutor <input type="checkbox"/> Civil Party <input type="checkbox"/> Other: Detail:
	If read out and expert not present, submissions re-reading out evidence rather than calling expert made by any party? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A  If Yes, which party? <input type="checkbox"/> Prosecutor <input type="checkbox"/> Civil Party <input type="checkbox"/> Other: Give detail:
<b>6.2(e) Defense put forward (eg. Alibi, self-defense etc.)</b>	Summary: .....  <input type="checkbox"/> No

<b>6.3 CIVIL PARTIES</b> <input type="checkbox"/> N/A <input type="checkbox"/> Absent	
<b>6.3(a) Documentary evidence</b>	Summary of Contents:  <input type="checkbox"/> No
	Reason (if known) that evidence was read and witness not present:  <input type="checkbox"/> N/A <input type="checkbox"/> I/U
	Submissions re-reading out evidence rather than calling witness made by any party? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
	If No, who and why?

Note:

	<input type="checkbox"/> Prosecutor <input type="checkbox"/> Civil Party <input type="checkbox"/> Other: Detail:
	Does any party disagree with content? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A  If Yes, which party? <input type="checkbox"/> Prosecutor <input type="checkbox"/> Defense <input type="checkbox"/> Other: Detail:
<b>6.3(b) Live witness evidence</b>	Summary of Evidence: <input type="checkbox"/> N/A  Challenges to the evidence by any other party (describe nature of challenge and detail which party)  <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A  If there is any which party that make the objection; <input type="checkbox"/> Prosecutor <input type="checkbox"/> Defense <input type="checkbox"/> Other: Detail:
<b>6.3(c) Expert evidence</b>	Type: <input type="checkbox"/> Forensic <input type="checkbox"/> Medical  <input type="checkbox"/> Other: <input type="checkbox"/> N/A  Expert present or statement read out? <input type="checkbox"/> Present <input type="checkbox"/> Absent  If absent, giving reason:  <input type="checkbox"/> I/U  Other parties agree with expert evidence? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A  If No, who and why? <input type="checkbox"/> Prosecutor <input type="checkbox"/> Defendant <input type="checkbox"/> Other: Detail:
	If read out and expert not present, submissions re-reading out evidence rather than calling expert made by any party? Give details. <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A  If Yes, which party? <input type="checkbox"/> Prosecutor <input type="checkbox"/> Defendant <input type="checkbox"/> Other: Give detail:

Note:

**6.4 OBJECTIONS**

Did any party make any formal objections to any evidence during the hearing? Describe nature of the objection and the judges' response:

<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
Prosecution	Defense	Civil Party

Note:

7. RIGHT TO FULL DISCLOSURE/ EQUALITY OF ARMS	
7(a) Was there anything said during the hearing or did anything happen to suggest that any party <b>was not</b> given the opportunity to present evidence?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, which party? <input type="checkbox"/> Prosecutor <input type="checkbox"/> Defendant <input type="checkbox"/> Civil Party Comment: ..... If yes, was a formal application made for the evident to be admitted? <input type="checkbox"/> Yes <input type="checkbox"/> No
7 (b) Was there anything to suggest that any party <b>was not</b> given the opportunity to question witnesses?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A If yes, which party? <input type="checkbox"/> Prosecutor <input type="checkbox"/> Defendant <input type="checkbox"/> Civil Party Comment: ..... If yes, was a formal application made at any stage during the hearing to question the witness? <input type="checkbox"/> Yes <input type="checkbox"/> No
7(c) Was there anything to suggest that any party did not have an opportunity to view the case file prior to the hearing?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A If yes, which party did not have access to the case file prior to the hearing? <input type="checkbox"/> Prosecutor <input type="checkbox"/> Defendant (if self-represented) <input type="checkbox"/> Defense Counsel <input type="checkbox"/> Civil Party Comment: [Please provide details as to why it is suggested that the relevant party did not have access to the case-file?]
7(d) Was the defendant or defense counsel denied the opportunity to have the last word?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> Defendant <input type="checkbox"/> Defense Counsel If no, comment: .....



8.1. PROFESSIONALISM AND CONDUCT OF THE JUDGE	
8.1(a) Did the judge behave in an intimidating manner?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please explain: .....
8.1(b) Did the judge make discriminatory comments?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, was the discriminatory comment: <input type="checkbox"/> Race <input type="checkbox"/> Gender <input type="checkbox"/> Religion <input type="checkbox"/> Other Please explain the nature of the comment:
8.1(c) Did judge leave the courtroom during the trial?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, Please explain reason: ..... <input type="checkbox"/> I/U
8.1(d) Did judge use electronic device (Smart phone, iPad, Tablet...) during the trial?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, how? <input type="checkbox"/> Use <input type="checkbox"/> Answer phone How did they answer phone? <input type="checkbox"/> Respond briefly and hang up <input type="checkbox"/> Conduct a conversation If answer phone, was the ring tone: <input type="checkbox"/> Audible <input type="checkbox"/> On silent

8.2. PROFESSIONALISM AND CONDUCT OF THE PROSECUTOR	
8.2(a) Did the prosecutor behave in an intimidating manner?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please explain: .....
8.2(b) Did the prosecutor make discriminatory comments?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, was the discriminatory comment: <input type="checkbox"/> Race <input type="checkbox"/> Gender <input type="checkbox"/> Religion <input type="checkbox"/> Other Please explain the nature of the comment:
8.2(c) Did prosecutor leave the courtroom during the trial?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, Please explain reason: ..... <input type="checkbox"/> I/U
8.2(d) Did prosecutor use electronic device (Smart phone, iPad, Tablet...)?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, how? <input type="checkbox"/> Use <input type="checkbox"/> Answer phone

Note:



9 (b) Was there anything to suggest that any party enter deliberation room during deliberation?	If yes, which party? <input type="checkbox"/> Prosecution <input type="checkbox"/> Defense <input type="checkbox"/> Civil Party <input type="checkbox"/> Court Official
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**10 ASSESSMENT OF EVIDENCE**

**10(a) Did the evidence presented substantiate the necessary elements of the offence?**

Element of offence:	Relevant evidence:

**10(b) Summaries of closing arguments:**

Prosecution	Defense	Civil Party

Note:

11. VERDICT	
11(a) Was a verdict delivered on the day of the hearing?	<input type="checkbox"/> Yes <input type="checkbox"/> No If no, was the date that the verdict would be delivered announced during the hearing? <input type="checkbox"/> Yes <input type="checkbox"/> No
11(b) Date of verdict:	_____ <input type="checkbox"/> N/A
11(c) How many judge were present when the verdict was delivered?	<input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> I/U
11(d) Was the verdict announced in public?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> I/U If no, please comment: .....
11(e) Summary of judge's reasons for verdict :	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> I/U
11(f) Were the lawyers representing the parties presented?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> I/U
11(e) Was there anything to suggest that the judge based his or her verdict on evidence that was not in the case file or presented at trial?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> I/U  If yes, please provide details: .....

**TOTAL TIME OF HEARING:** .....

SPECIAL NOTE:

Note:

**B. Individual Defendant Information**

12. CRIMINAL RESPONSIBILITY					
Defendant	Defendant 1	Defendant 2	Defendant 3	Defendant 4	Defendant 5
<b>Sex</b>	<input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Other: .....	<input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Other: .....	<input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Other: .....	<input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Other: .....	<input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Other: .....
12(a) Was the defendant a juvenile at the time the offense was committed?  (Please complete annex 1 for each juvenile defendant)	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

13. LEGAL BASIS OF CHARGES					
Defendant	Defendant 1	Defendant 2	Defendant 3	Defendant 4	Defendant 5
13(b) Charge against defendant  -Offense:  -Relevant law:  -Relevant article of the law:	<input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor <input type="checkbox"/> Petty Offense	<input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor <input type="checkbox"/> Petty Offense	<input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor <input type="checkbox"/> Petty Offense	<input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor <input type="checkbox"/> Petty Offense	<input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor <input type="checkbox"/> Petty Offense
6(b) Elements of offence to be proven in order to secure a conviction:					

Note:

**PRE-TRIAL RIGHTS**

<b>14. RIGHT TO LIBERTY AND TO BE TRIED WITHOUT UNDUE DELAY</b>					
<b>Defendant</b>	<b>Defendant 1</b>	<b>Defendant 2</b>	<b>Defendant 3</b>	<b>Defendant 4</b>	<b>Defendant 5</b>
14(a) Date of alleged offence:	Date: _____ <input type="checkbox"/> I/U	Date: _____ <input type="checkbox"/> I/U	Date: _____ <input type="checkbox"/> I/U	Date: _____ <input type="checkbox"/> I/U	Date: _____ <input type="checkbox"/> I/U
14(b) Date of arrest:	<input type="checkbox"/> Yes Date: _____ <input type="checkbox"/> I/U <input type="checkbox"/> N/A	<input type="checkbox"/> Yes Date: _____ <input type="checkbox"/> I/U <input type="checkbox"/> N/A	<input type="checkbox"/> Yes Date: _____ <input type="checkbox"/> I/U <input type="checkbox"/> N/A	<input type="checkbox"/> Yes Date: _____ <input type="checkbox"/> I/U <input type="checkbox"/> N/A	<input type="checkbox"/> Yes Date: _____ <input type="checkbox"/> I/U <input type="checkbox"/> N/A
14 (c) Was there judicial supervision?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> I/U	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> I/U	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> I/U	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> I/U	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> I/U
14 (d) Was there provisional detention?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> I/U	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> I/U	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> I/U	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> I/U	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> I/U
If Yes, what date did provisional detention begin?	Date: _____ <input type="checkbox"/> I/U	Date: _____ <input type="checkbox"/> I/U	Date: _____ <input type="checkbox"/> I/U	Date: _____ <input type="checkbox"/> I/U	Date: _____ <input type="checkbox"/> I/U
What date did provisional detention finish?	Date: _____ <input type="checkbox"/> I/U	Date: _____ <input type="checkbox"/> I/U	Date: _____ <input type="checkbox"/> I/U	Date: _____ <input type="checkbox"/> I/U	Date: _____ <input type="checkbox"/> I/U
14 (e) Was there an application for bail?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> I/U				
If Yes, Summary of defense application and any proposed conditions of judicial supervision;	<input type="checkbox"/> N/A				

Note:

Summary of Prosecutor's comments:	<input type="checkbox"/> N/A
Summary of CP comments:	<input type="checkbox"/> N/A
Judges' decision and reasons:	<input type="checkbox"/> N/A

**15. RIGHTS DURING INTERROGATION AND THE PROHIBITION AGAINST TORTURE**

Defendant	Defendant 1	Defendant 2	Defendant 3	Defendant 4	Defendant 5
15(a) Was there anything to suggest the defendant was interrogated without a lawyer present?  If yes, please explain:	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
15(b) Was there anything to suggest that threats were made to coerce the defendant into confessing to the alleged crime?  If yes, please explain:	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
15(c) Was there anything to suggest that violence or torture were used to coerce the defendant into confessing to the alleged crime?  If yes, please explain:	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

Note:

**16. PRE-TRIAL RIGHT TO SPEAK WITH A LAWYER AND RIGHT TO ADEQUATE TIME AND FACILITIES TO PREPARE A DEFENSE**

Defendant	Defendant 1	Defendant 2	Defendant 3	Defendant 4	Defendant 5
16(a) Was there anything to suggest that the lawyer of the defendant was assigned on the day of the appeal?  If yes, please explain:	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
16(b) Was the issue of adequate time and facilities for preparation raised by the defense? If yes, please explain:	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

**TRIAL RIGHTS**

**17. RIGHT TO BE PRESENT AND TO LEGAL REPRESENTATION**

Defendant	Defendant 1	Defendant 2	Defendant 3	Defendant 4	Defendant 5
17 (a) Was the defendant present?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
17 (b) Was the defendant represented by a lawyer?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
17(c) Did any of the lawyers represent more than one defendant?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, was there a conflict between the interests of two or more of the defendant	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

Note:



represented by the same lawyer					
Details:					

18. PRESUMPTION OF INNOCENCE					
Defendant	Defendant 1	Defendant 2	Defendant 3	Defendant 4	Defendant 5
18(a) Did the defendant appear before the court in prison uniform?  If yes, what color?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A  <input type="checkbox"/> Blue <input type="checkbox"/> Dark Orange	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A  <input type="checkbox"/> Blue <input type="checkbox"/> Dark Orange	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A  <input type="checkbox"/> Blue <input type="checkbox"/> Dark Orange	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A  <input type="checkbox"/> Blue <input type="checkbox"/> Dark Orange	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A  <input type="checkbox"/> Blue <input type="checkbox"/> Dark Orange
18(b) Was the defendant handcuffed throughout the trial?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
18(c) Were any statements made by the judge about the guilt of the defendant prior to the delivery of the verdict?  If yes, please provide details:	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
18 (d) Was there anything to suggest that the judge drew an inference of guilt from the silence of the defendant?  If yes, please explain:	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

Note:

**19. PROHIBITION AGAINST DOUBLE JEOPARDY**

Defendant	Defendant 1	Defendant 2	Defendant 3	Defendant 4	Defendant 5
19(a) Was there anything to suggest that the defendant had been tried and sentenced for this offense previously?  If yes, please explain:	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

**20. PROHIBITION AGAINST THE RETROSPECTIVE APPLICATION OF PENAL LEGISLATION**

Defendant	Defendant 1	Defendant 2	Defendant 3	Defendant 4	Defendant 5
20(a) Was the law under which the defendant is charged in force on the date the offense was allegedly committed?  If no, please explain:	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

**21. VERDICT  I/U**

Defendant	Defendant 1	Defendant 2	Defendant 3	Defendant 4	Defendant 5
21(a) What was the court's ruling?	<input type="checkbox"/> Guilty <input type="checkbox"/> Not guilty <input type="checkbox"/> Re-investigated <input type="checkbox"/> Pre-trial	<input type="checkbox"/> Guilty <input type="checkbox"/> Not guilty <input type="checkbox"/> Re-investigated <input type="checkbox"/> Pre-trial	<input type="checkbox"/> Guilty <input type="checkbox"/> Not guilty <input type="checkbox"/> Re-investigated <input type="checkbox"/> Pre-trial	<input type="checkbox"/> Guilty <input type="checkbox"/> Not guilty <input type="checkbox"/> Re-investigated <input type="checkbox"/> Pre-trial	<input type="checkbox"/> Guilty <input type="checkbox"/> Not guilty <input type="checkbox"/> Re-investigated <input type="checkbox"/> Pre-trial
21(b) Did the judge refer to the article of the law under which the defendant had been charged?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
21(c) Did the judge refer to the	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

Note:

evidence presented?					
21 (d) If the defendant confessed to the alleged offense at any stage prior to or during the trial, did the judge rely on the confession as evidence? (if no confession – N/A)	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> I/U	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> I/U	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> I/U	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> I/U	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> I/U

22. SENTENCE	<input type="checkbox"/> N/A		<input type="checkbox"/> I/U		
Defendant	Defendant 1	Defendant 2	Defendant 3	Defendant 4	Defendant 5
22(a) Was the defendant sentenced to imprisonment?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Length:					
Prison:					
Probation:					
22(b) Was the defendant ordered to pay a fine?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Amount:					
22(c) Was the defendant ordered to pay compensation?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Amount:					
22(d) Was there any other alternative sentence?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, please provide details:					

Note:

**ANNEX I: JUVENILE DEFENDANT**

<b>23. AGE</b>					
<b>Juvenile Defendant</b>	<b>Defendant 1</b>	<b>Defendant 2</b>	<b>Defendant 3</b>	<b>Defendant 4</b>	<b>Defendant 5</b>
<b>Sex</b>	<input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Other:.....	<input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Other:.....	<input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Other:.....	<input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Other:.....	<input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Other:.....
23(a) Age at the time of the offense	<input type="checkbox"/> <14 <input type="checkbox"/> 14 – 15 <input type="checkbox"/> 16 – 17	<input type="checkbox"/> <14 <input type="checkbox"/> 14 – 15 <input type="checkbox"/> 16 – 17	<input type="checkbox"/> <14 <input type="checkbox"/> 14 – 15 <input type="checkbox"/> 16 – 17	<input type="checkbox"/> <14 <input type="checkbox"/> 14 – 15 <input type="checkbox"/> 16 – 17	<input type="checkbox"/> <14 <input type="checkbox"/> 14 – 15 <input type="checkbox"/> 16 – 17
23(b) If under the age of 14 at the time of the offense did the judge immediately acquit the defendant?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

<b>24. PRE-TRIAL DETENTION</b>					
<b>Juvenile Defendant</b>	<b>Defendant 1</b>	<b>Defendant 2</b>	<b>Defendant 3</b>	<b>Defendant 4</b>	<b>Defendant 5</b>
24(a) Age at the time of pre-trial detention?	<input type="checkbox"/> <14 <input type="checkbox"/> 14 – 15 <input type="checkbox"/> 16 – 17 <input type="checkbox"/> N/A	<input type="checkbox"/> <14 <input type="checkbox"/> 14 – 15 <input type="checkbox"/> 16 – 17 <input type="checkbox"/> N/A	<input type="checkbox"/> <14 <input type="checkbox"/> 14 – 15 <input type="checkbox"/> 16 – 17 <input type="checkbox"/> N/A	<input type="checkbox"/> <14 <input type="checkbox"/> 14 – 15 <input type="checkbox"/> 16 – 17 <input type="checkbox"/> N/A	<input type="checkbox"/> <14 <input type="checkbox"/> 14 – 15 <input type="checkbox"/> 16 – 17 <input type="checkbox"/> N/A
24 (b) Was there anything to suggest that the defendant was not separated from adults?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Comment:					

Note:

25. TRIAL <input type="checkbox"/> N/A <input type="checkbox"/> Absent					
Juvenile Defendant	Defendant 1	Defendant 2	Defendant 3	Defendant 4	Defendant 5
25(a) Were any measures taken to protect the privacy of the defendant juvenile during the hearing?  Details:	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
25 (b) Did the judge give the defendant juvenile the chance to express his or her views freely, either personally or through a representative such as a lawyer or parent?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
25(c) Did the juvenile defendant appear before the court in prison uniform?  If yes, what color?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A  <input type="checkbox"/> Blue <input type="checkbox"/> Dark Orange	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A  <input type="checkbox"/> Blue <input type="checkbox"/> Dark Orange	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A  <input type="checkbox"/> Blue <input type="checkbox"/> Dark Orange	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A  <input type="checkbox"/> Blue <input type="checkbox"/> Dark Orange	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A  <input type="checkbox"/> Blue <input type="checkbox"/> Dark Orange

26. SENTENCE <input type="checkbox"/> N/A <input type="checkbox"/> I/U					
Juvenile Defendant	Defendant 1	Defendant 2	Defendant 3	Defendant 4	Defendant 5
26(a) Did the judge cite Article 38 or 39 of the Penal Code when sentencing the defendant?	<input type="checkbox"/> Article 38 <input type="checkbox"/> Article 39 <input type="checkbox"/> Both <input type="checkbox"/> Neither <input type="checkbox"/> N/A	<input type="checkbox"/> Article 38 <input type="checkbox"/> Article 39 <input type="checkbox"/> Both <input type="checkbox"/> Neither <input type="checkbox"/> N/A	<input type="checkbox"/> Article 38 <input type="checkbox"/> Article 39 <input type="checkbox"/> Both <input type="checkbox"/> Neither <input type="checkbox"/> N/A	<input type="checkbox"/> Article 38 <input type="checkbox"/> Article 39 <input type="checkbox"/> Both <input type="checkbox"/> Neither <input type="checkbox"/> N/A	<input type="checkbox"/> Article 38 <input type="checkbox"/> Article 39 <input type="checkbox"/> Both <input type="checkbox"/> Neither <input type="checkbox"/> N/A

Note:

26(b) Was there anything to suggest that the judge considered imposing a non-prison sentence?  Comment:	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
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Note: