



NOTICE OF APPLICATION FOR WITNESS ORDER and / or PERMISSION TO CALL A WITNESS

THE COURT OF APPEAL CRIMINAL DIVISION

s.23 Criminal Appeal Act 1968
(Criminal Procedure Rules (rr 68.3, 68.7))

Form
W

If possible this form should be lodged at the Crown Court at the same time as Form NG. If this application is made at a later stage it should be sent directly to the Registrar of Criminal Appeals, Royal Courts of Justice, Strand, London, WC2A 2LL, quoting the Criminal Appeal Office reference No. See guidance overleaf.

Tel: 020 7947 6011/6014 **DX:** RCJ 44450 Strand **Fax:** 020 7947 6900

FOR CRIMINAL APPEAL OFFICE USE
Reference No. _____
Date Received _____

Please ensure that you have read the notes for guidance attached. Write in **BLACK INK** and use **BLOCK LETTERS**

1. The Appellant

Surname _____ Forenames _____
Address _____
Index No _____

2. Particulars of Witness

Surname _____ Forenames _____
Address _____
Do you want a Witness Order? (A witness order is not required if the witness would attend the Court of Appeal voluntarily) Yes / No*
Was the Witness called at the trial? Yes / No*
Do you seek any directions about the way evidence should be received (see r68.7(1) CPR). If yes, please attach details. Yes / No*
* delete as appropriate

The witness can now give the following evidence (which was not given at trial). Please attach full witness statement.

The evidence was not given at the trial because (see notes overleaf):

3. Signature

Signed _____ Address and status of person signing on appellant's behalf _____
Appellant / Legal Rep (delete as appropriate) _____
Date _____

Notes For Guidance

Form
W

1. Form W is required for an application for a witness order and/or an application for permission to call a witness. This form must accompany or follow Form NG. If it follows Form NG the Criminal Appeal reference number must be given.
2. A separate form must be used for **each** witness.
3. A witness cannot be called without the permission of the Court of Appeal. Before giving permission to call a witness, the Court will consider, with other matters, whether the evidence, if received, would afford any ground for allowing the appeal, whether the evidence is likely to be credible, and whether there is a reasonable explanation for failure to adduce the evidence at the trial. Do not set out in the form the evidence which the witness gave at the trial.
4. An application for permission to call fresh evidence should be supported by witness statement from all involved in the obtaining of the new evidence to provide the Court with the circumstances surrounding the obtaining of the new evidence, which are potentially highly relevant to its credibility: (*R v Gogana, The Times, July 12, 1999, CA*).
5. Any application for Special Measures or any other direction about how the evidence should be received must be attached, with reasons. (*r.68.7(1),(2)*)
6. Do not apply in respect of a witness in mitigation of sentence only.
7. This form must be signed by or on behalf of the appellant. Any person signing on behalf of the appellant must give his address and status.