

NOTICE TO DEFENDANT OF PROOF BY WRITTEN STATEMENT

*(Criminal Procedure Rules, r. 16.4(3);
Criminal Justice Act 1967, s. 9)*

To: (name of defendant)

With this notice are copy statement(s) made by the witness(es) listed below.

The prosecutor wants to introduce this evidence in writing, instead of the witness(es) giving the evidence in person.

How to reply to this notice:

If you do NOT want the prosecutor to introduce the evidence of these witnesses in writing, you must:

1. List the witness(es) you want to give evidence in person.
2. Send me the list not more than 7 days after this notice is served on you, or within the time allowed by Criminal Procedure Rules r. 16.4(4).
3. Be prepared to explain to the court what issue(s) in the case make(s) it necessary for the witness(es) to give evidence in person (as required by Criminal Procedure Rules 3.2, 3.5 and 3.11).

Signed: for the prosecutor

Address:

Reference:

Date:

Notes:

1. If you are late letting the prosecutor know which witnesses you want to give evidence in person, then the prosecutor can introduce the evidence in writing, unless the court otherwise directs.
2. If, at your request, a witness attends court to give evidence in person when that is not necessary to deal with the issues in the case, the court may make a costs order against you.
3. Despite service of this notice:
 - (a) the prosecutor may arrange for any of the listed witness(es) to give evidence in person; or
 - (b) the prosecutor may decide not to rely on one or more of the listed witness(es) after all.

