**Rule 40(2)**

Form 8B Election by counsel for trial by Judge alone

(*insert front sheet*)

### ELECTION BY COUNSEL FOR TRIAL BY JUDGE ALONE

*Juries Act 1927 s 7(1)*

**Election**

I, (*full name of lawyer*)

of (*address of practice*)

barrister/barrister and solicitor (*delete whichever is inapplicable*)

CERTIFY that:

1. I am a legal practitioner holding a current practising certificate under the *Legal Practitioners Act 1981*.

2. I am the counsel for the defendant (*name*) in this proceeding.

3. I believe that the defendant is unfit to instruct counsel or give rational instructions in respect of all charges in the information, namely: (*set out details of the charges*) ………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………

4. I have considered all matters relevant to the making of an election.

5. I consider that a trial by Judge alone would be in the best interest of the defendant.

6. I exercise my independent discretion under section 269W of the *Criminal Law Consolidation Act 1935* and ELECT under section 7(1)(a) of the *Juries Act 1927* that the defendant be tried by Judge alone on the above charges.

**Date**:

 (*signed*) ...........................……………………………….…

Counsel for the defendant