

<p>To be inserted by Court</p> <p>Case Number:</p> <p>Date Filed:</p> <p>FDN:</p>
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**PROSECUTION CASE STATEMENT IN RESPECT OF DEFENDANT [NUMBER]
[NAME]** Provision for multiple defendants at election of prosecution
Criminal Procedure Act 1921 s 123(1)

[SUPREME/DISTRICT] Select one COURT OF SOUTH AUSTRALIA
CRIMINAL JURISDICTION
CASE NO:

R

v

[FULL NAME]
Defendant

Lodging party	[Commonwealth] Director of Public Prosecutions	
Name of law firm/office	Office of the [Commonwealth] Director of Public Prosecutions	
<small>If applicable</small>	<small>Party title</small> <small>Law firm/office</small>	<small>Responsible Solicitor</small>

Prosecution case statement

This statement is provided pursuant to section 123(1)-(2) of the *Criminal Procedure Act 1921*.

1. Summary of alleged facts

[enter summary distinguishing to extent appropriate between counts where applicable]

2. Evidence that may be led

[enter description of evidence that may be led in relation to each element of the offence distinguishing to extent appropriate between counts if applicable]

3. Witnesses intended to be called (subject to any facts admitted by the Defendant in accordance with section 34 of the *Evidence Act 1929*)

[enter witness name] provide for multiple

witness statements by each witness should be served with the case statement if not already served. If a witness statement cannot be obtained, a summary of the anticipated evidence the witness is expected to give should be served

4. Expert witnesses intended to be called (subject to any facts admitted by the Defendant in accordance with section 34 of the *Evidence Act 1929*)

[enter witness name] *[date(s) of report(s)]* provide for multiple

expert reports by each expert should be served with the case statement if not already served

5. Additional witness statements

- The prosecution is not aware of any additional witness statements intended to be but not yet obtained.
- Witness statements are intended to be obtained from the following witnesses about the following matters:

Lay witnesses

[enter name] [enter summary of evidence witness expected to give if called] provide for multiple

Expert witnesses

[enter name or if not known category] [enter field of expertise] [enter summary of evidence witness expected to give if called] provide for multiple

6. Propensity/disposition discreditable conduct evidence

- The prosecution does not intend to adduce any propensity/disposition discreditable conduct evidence.
- The prosecution intends to adduce the following propensity/disposition discreditable conduct evidence:

[enter fact in issue in respect of which relevant] [enter nature of the discreditable conduct] [enter the witnesses from whom evidence proposed to be led] provide for multiple

7. Pre-trial applications under the Evidence Act 1929

- The prosecution does not intend to make any pre-trial applications under the *Evidence Act 1929*.
- The prosecution has made or intends to make the following pre-trial applications for special arrangements for witnesses under section 13, 13A and/or 13C of the *Evidence Act 1929*:

[enter witness name, section and arrangement sought] [enter date or anticipated date of application]
[enter application attached] provide for multiple

- The prosecution has made or intends to make the following pre-trial applications under the *Evidence Act 1929* other than for special arrangements for witnesses:

[enter subject matter of pre-trial application] [enter date or anticipated date of application] [enter application attached] provide for multiple

A copy of any such application must be served with this case statement unless previously served

8. Sexual offence priority trial

- The trial is not one to be given priority under section [50B of the District Court Act 1991/126A of the Supreme Court Act 1935.] select one
- The trial is to be given priority under section [50B of the District Court Act 1991/126A of the Supreme Court Act 1935] select one because [identify whether complainant is a child or a person with a relevant disability and the nature of any relevant disability]

9. Estimated length of prosecution case at trial

[enter number of days/weeks]

10. Interpreters required at trial

- No interpreters will be required for the prosecution case.
- The following interpreter(s) will be required for the prosecution case: [witness and language and if relevant dialect] provide for multiple

11. Other matters

[enter any other matters disclosed as part of case statement]

To the Defendant[s] WARNING

You **must**, within 4 weeks after the service of this Prosecution Case Statement, file in the Court and serve on all other parties to the proceeding a Form 73 Defence Case Statement disclosing certain information as required by section 123 of the *Criminal Procedure Act 1921*.

If a Defendant fails to comply with section 123 of the *Criminal Procedure Act 1921*:

- the Court may refuse to admit evidence in the proceeding that is sought to be adduced by that Defendant;
- the Court may grant an adjournment on the application of another party if the evidence would prejudice the case of that party; and/or
- the failure may be made the subject of comment to the jury by the prosecutor or the Judge (or both).

If the prosecution fails to comply with section 123 of the *Criminal Procedure Act 1921*, the Court may:

- refuse to admit evidence in the proceeding that is sought to be adduced by the prosecution; and/or
- grant an adjournment on the application of another party if the evidence would prejudice the case of that party.

Accompanying Documents

Accompanying this Application is a:

- Copy of witness statements not yet served mandatory
- Copy of expert reports not yet served mandatory
- Copy of pre-trial applications not yet served mandatory
- If other additional document(s) please list them below:

Service

The party filing this document is required to serve it on all other parties in accordance with the Rules of Court.