**DEFENCE CASE STATEMENT OF DEFENDANT [*NUMBER*] [*NAME*]**

**Criminal Procedure Act 1921 s 123(3)**

[*SUPREME/DISTRICT*] **Select one** COURT OF SOUTH AUSTRALIA

CRIMINAL JURISDICTION

**R**

**v**

**[*FULL NAME*]**

**Defendant**

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| **Lodging party** | Defendant |  |
|  | **Party title** | **Full Name of party** |
| Name of law firm/office |  |  |
| **If applicable** | **Law firm/office** | **Responsible Solicitor** |
| Name of authorised officer |  | |
| **If body corporate and no law firm/office** | **Full Name** | |

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| **Defence Case Statement**  This statement is provided pursuant to section 123(3)-(4) of the *Criminal Procedure Act 1921*.   1. **Admitted facts**   [*enter facts admitted*] **if none insert ‘nil’**   1. **Admitted elements**   [*enter elements of offence admitted by reference to count*] **if none insert ‘nil’**   1. **Additional witnesses requested to be called**   [*enter name of additional witnesses the Defendant requests prosecution to call at trial who are not foreshadowed in prosecution case statement as intended to be called*] **provide for multiple, if none insert ‘nil’**   1. **Pre-trial applications under the *Evidence Act 1929*** select one  * The Defendant does not consent to any pre-trial applications by the prosecution under the [*Evidence Act 1929*](http://www.austlii.edu.au/au/legis/sa/consol_act/ea192980/). * The Defendant consents to the following pre-trial applications by the prosecution under the [*Evidence Act 1929*](http://www.austlii.edu.au/au/legis/sa/consol_act/ea192980/):   [*subject matter of pre-trial application*] [*date of application*] **provide for multiple**   1. **Expert or alibi evidence** select one  * The Defendant does not intend to adduce any expert evidence. * The Defendant intends to adduce the following expert evidence:   The Defendant select one   * does not intend to adduce any alibi evidence. * intends to adduce the following alibi evidence:   Lay witnesses  [*enter name*] [*enter summary of evidence witness expected to give if called*] **provide for multiple**  Documentary/real evidence  [*enter summary of documentary/real evidence*] **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**   1. **Issues, challenges and applications**   The Defendant intends to raise the following issues before trial:  Issues relating to joinder or severance: [*enter proposed application*] **if none insert ‘nil’**  Issues relating to cross-admissibility of evidence: [*enter proposed application*] **if none insert ‘nil’**  Challenges to the legality of any searches: [*enter proposed application*] **if none insert ‘nil’**  Challenges to the admissibility of any other prosecution evidence: [*enter proposed application*] **if none insert ‘nil’**  Applications for stay of proceedings: [*enter proposed application*] **if none insert ‘nil’**  Issues relating to chain of evidence or continuity of custody of exhibits: [*enter proposed application*] **if none insert ‘nil’**  Other points of law: [*enter proposed application*] **if none insert ‘nil’**   1. **Estimated length of prosecution case at trial**  * The Defendant agrees with the prosecution estimate. * The Defendant disagrees with the prosecution estimate and estimates [*enter number of days/weeks*]  1. **Election for trial by Judge alone**  * The Defendant does not intend to elect for trial by Judge alone. * The Defendant has elected or intends to elect for trial by Judge alone.  1. **Interpreters required at trial**  * No interpreters will be required for the trial. * The following interpreter(s) will be required for the trial: [*enter language and if relevant dialect*] **provide for multiple**  1. **Other matters**   [*enter any other matters disclosed as part of Case Statement*] |

**If Defendant to sign**

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| **Declaration**  I, the Defendant, declare that the statements contained in this Case Statement are true to the best of my knowledge and belief*.*  …………………………………………  Signature of Defendant  …………………………………………  Name printed  ………………………….  Date |

**If completed on behalf of defendant by their lawyer**

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| **Declaration**  I, the [*solicitor/counsel*] for the Defendant, declare that the statements contained in this Case Statement are true to the best of my knowledge and belief and I am informed by the Defendant are true to the best of the Defendant’s knowledge and belief*.*  …………………………………………  Signature of [*solicitor/counsel*] for the Defendant  …………………………………………  Name printed  ………………………….  Date |

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| **To the Defendant: WARNING**  Section 123 of the *Criminal Procedure Act 1921* requiresaDefendant, within 4 weeks after the service of a Prosecution Case Statement, to file in the Court and serve on all other parties to the proceeding a Defence Case Statement disclosing certain information.  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). |

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