

To be inserted by Court

Case Number:

Date Filed:

FDN:

**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**

<b>Lodging party</b>	Defendant	
	<small>Party title</small>	<small>Full Name of party</small>
Name of law firm/office		
<small>If applicable</small>	<small>Law firm/office</small>	<small>Responsible Solicitor</small>
Name of authorised officer		
<small>If body corporate and no law firm/office</small>	<small>Full Name</small>	

**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'

**2. Admitted elements**

[*enter elements of offence admitted by reference to count*] if none insert 'nil'

**3. 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'

**4. 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*.
- The Defendant consents to the following pre-trial applications by the prosecution under the *Evidence Act 1929*:

[*subject matter of pre-trial application*] [*date of application*] provide for multiple

**5. 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

**6. 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'

**7. 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*]

**8. 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.

**9. 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

**10. Other matters**

*[enter any other matters disclosed as part of Case Statement]*

If Defendant to sign

**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

**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

**To the Defendant: WARNING**

Section 123 of the *Criminal Procedure Act 1921* requires a Defendant, 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).

**Service**

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