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The prosecution is closed.
R.P. 40 complied with
Defence

Question to the accused. Do you apply to give evidence yourself as a witness?

Answer.

No Sir

Question. Do you intend to call any other witness in your defence?

Answer.

No. Sir

Question. *W.M.C.S.* Is he a witness as to character only? Answer.

INSTRUCTIONS TO THE COURT

- (i) When the answers to the above questions have been recorded, the Court will follow the provisions of Rules of Procedure 40 and 41 respecting the order of evidence and addresses which is applicable to the circumstances of the case.
- (ii) All addresses by prosecutor, counsel or defending officer, whether recorded by the Court or handed in in writing will be attached to the proceedings in the order in which they are made. Any address which the accused is entitled to make pursuant to Rules of Procedure 40 (C) (iv and 41 (A) (i) and (iii) will be similarly dealt with. Written addresses will be read to the Court, marked and signed by the President. If any person who is entitled to make an address declines to do so, a record will be made to that effect.

(Where any evidence is given for the defence.)

The evidence of the accused (and of the witnesses for the defence including witnesses as to character) is recorded on a separate page (see overleaf).

(Where the accused does not give evidence upon oath.)

Question to the accused.

Have you anything to say in your defence? *No, Sir*

Answer.

The accused in his defence says†

W.M.C.S. [Hands in a written address which is read, marked signed by the President and attached to the proceedings.]

Pres in closing:- offence of theft same as in previous law. No doubt articles lost. T sold box of condoms, pleaded guilty; J was were acting together, seen together coming out of place & both guilty. Were accomplices, acting together, both seen going to & coming from bullet.

Def. offer in closing:- Theft defined page 22 of M.H. (reads). I just state things in bit between \$200 & \$400 his, don't need T who offered to sell candy. Was not implicate Payette. Between \$400 & \$500 his theft was committed. As Payette saw Payette at gate of 20 Sington but didn't see anything under his blouse. Confession of asset not made under oath & that I can say anything he wants & same thing re statement by Payette Court must be careful in placing weight on statement of asset NOT on oath. No one saw Payette with articles & no one saw them

† In this space will be recorded any oral statement or address made by the accused in his defence when he has not given evidence as a witness. (For any additional address which he is entitled to make, see Instructions to the Court above.)

steal the articles. Asset must be kept free from discharge.

Judge Bismarck:- Points out reasonable doubt; credibility of witnesses; burden on prosecution; definition of theft; AA56 & RP 44 (H).