

November 2013

HIGHER RIGHTS OF AUDIENCE ASSESSMENT

IN RESPECT OF CRIMINAL PROCEEDINGS

THE PRACTICAL ASSESSMENT

TRIAL STRATEGY PLAN ('The TSP')

Candidate name and number (if applicable):

Date of practical assessment:

Party for whom you are acting [Prosecution/Defendant]:

1. Identify and list:

- (a) the constituent elements of the offence(s) set out in the count(s) in the indictment, and
- (b) the constituent elements of any defence(s) in respect of which the Defendant bears a legal (persuasive) or evidential burden of proof.

2. In respect of each element which you have set out above briefly state what the Prosecution's and Defendant's respective positions are:

Element	Prosecution's position/version/case theory	Defendant's position/version/case theory

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3. In respect of your witnesses state which of the elements you have listed each witness will give evidence as to; very briefly, what that evidence is; and how your opponent is likely to seek to undermine/challenge your witnesses/evidence with regard to such element.

Witness name	Element(s) witness can testify to	(Very briefly) what is their evidence on the element?	How is my opponent likely to seek to undermine/challenge the witness/evidence?

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4. In respect of your opponent's witnesses state which of the elements you have listed each witness will give evidence as to; (very briefly) what that evidence is; and how you will seek to undermine/challenge the witnesses/evidence with regard to such element.

Witness name	Element(s) witness can testify to	(Very briefly) what is their evidence on the element?	How will you seek to undermine/ challenge the witness/evidence?

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5. List any applications which you or your opponent are likely to make in this case.