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GIVING EVIDENCE AT TRIAL

It is entirely **your** decision as to whether you choose to give evidence or remain silent at your trial.

In a criminal trial, it is your right to elect to give evidence in your defence, or alternatively, it is your right to choose to remain silent and require the prosecution to prove the charges against you.

In the event that you choose not to give evidence at your trial, the Trial Judge will warn the jury that they must not draw any adverse inference from your decision to remain silent. Similarly the Magistrate must not draw any adverse inference from your decision to remain silent.

However, whether you choose to give evidence in your defence or not, it must be understood that this decision is ultimately yours to make, and that you are ultimately responsible for that decision.

GIVING EVIDENCE:

- If you give evidence, you will be sworn in, examined by your Counsel, and then cross-examined by the Prosecutor.
- Once you are sworn in, you must tell the whole truth (whether it assists you or not). You must not lie as this is a serious criminal offence. Neither I, nor your Counsel at trial, will be a party to any false evidence in court.
- If your evidence in the witness box differs from what you have told your Counsel, your Counsel may have to withdraw, because that is their obligation if the court is being misled in any way.
- If you, or your Counsel, raise evidence of your good character, or attack the character of another witness, the Court may hear about your criminal record or bad character if you give evidence.

- If you give evidence, your Counsel will address the Court before the Prosecution addresses them. This means that the Prosecution will have the advantage of addressing the Court after hearing what your Counsel has to say.

REMAINING SILENT:

- As human beings, Jurors (or the Magistrate) may be suspicious about my decision to remain silent. They are, however, required not to make any assumptions or draw any conclusions if you choose to remain silent.
- If you remain silent, your Counsel will address the Court after the Prosecution has addressed them, and that this means that your Counsel will have the advantage of hearing what they have to say before addressing the Court.
- If you remain silent, your Counsel can raise evidence of your good character, or attack the character of another witness, without the Court hearing about your criminal record or possible bad character.

It is a matter for you to ultimately decide, having weighed up the options, and after considering how the prosecution case progresses, as to whether to elect to give evidence or to remain silent at trial.