Form CP52

Federal Court (Criminal Proceedings) Rule 9.10

Evidence Act 1995 section 98(1)

Notice of intention to adduce coincidence evidence

No.       of 20

Federal Court of Australia

District Registry: [State]

Division: General

**Commonwealth Director of Public Prosecutions[or other as appropriate]**Prosecutor

**[Name of Accused]**Accused

[Change title for summary criminal proceedings (Form CP2) or criminal appeal proceedings (Form CP3)]

To [name of other party]

I, [party giving notice], give notice, under section 98(1) of the *Evidence Act 1995*, that I intend to adduce evidence of the occurrence of 2 or more events to prove that, because of the improbability of the events occurring coincidentally, [full name of the person who it is alleged did a particular act, or had a particular state of mind], did a particular act or had a particular state of mind.

**Evidence of coincidence**

The following particulars are required by regulation 6(3) of the Evidence Regulations 1995:

1. [(a) the substance of the evidence of the occurrence of 2 or more events that the party giving the notice intends to adduce; and
2. [(b) particulars of: (i) the date, time, place and circumstances at or in which each of those events occurred; and (ii) the names of each person who saw, heard or otherwise perceived each of those events... so far as they are known to the notifying party]

Date: [eg 19 June 20..]

|  |
| --- |
| Signed by [Name]  [Insert capacity eg For Commonwealth Director of Public Prosecutions / Accused / Lawyer for the Accused] |

*Note*

On the application of a party in a criminal proceeding, the court may make an order, on the terms it considers appropriate, directing the notifying party to disclose the address of a person named in a notice referred to in section 98(1) of the *Evidence Act 1995*.