EWI Template Letter of Instruction – Criminal Cases

Dear ………

**Introductory**

R v A

………… Court

Plea Hearing- ……….

Trial- ……………

I write further to the above named Defendant, represented by the firm. Please address all communications to me (or to Other Named Person), at the above address and quoting reference ABC/123

The Defendant faces an allegation of (example: Causing Serious Injury by Dangerous Driving). The Defendant intends to plead  (example: not guilty) to the same.

It is the Prosecution case (example: the Defendant, a Bus Driver, was involved in a collision with another vehicle, which was as a result of his driving falling far below the correct standard.)

The Defendant (example: accepts a collision but will state he was driving to the standard of a reasonable Bus Driver at all times. He will say the other vehicle was in his ‘blind spot’ and no other Driver would have been able to avoid the incident due to this.)

**Documentation**

I attach herewith:

* Criminal Procedure Rules Part 19 and PD 7.
* Prosecution paperwork- (including if available the Prosecution Expert Report.
* Initial Statement of the Defendant/Defence Case Statement.
* D
* E

**Legal Aid Agency Funding/Payment**

I would be grateful if you would prepare a Legal Aid Agency compliant quote on this matter. It is legally funded and, therefore, prior authority will be required from the Legal Aid Agency before work proceeds.

(If not LAA funded) Add details as/to be agreed with copy documents where appropriate.

**Instructions**

Once funding is in place, I would ask you to produce a Report, in particular considering -

- The conclusions of the Prosecution Report- especially in respect of visibility- and your response to the same. (Example)

- The Defendant’s assertion regarding his visibility. (Example)

**Time Scale/Court Orders/Attendance**

Please let me know the date by which I can expect to receive your report.

*Or*

We have agreed that you will deliver your report by dd/mm/yyyy and I look forward to hearing from you. If you anticipate any difficulty in delivering your report by this agreed date please contact me to discuss.

I would also ask you to forward to me your non availability for Trial for the next 18 months.

**Conflict of Interest**

Please notify me immediately should you be aware or become aware of any conflict of interest, actual or potential.

**Standard of Proof/Relevant Law**

This is a criminal matter and so the Standard of Proof is proof beyond reasonable doubt and it is for the Prosecution to prove the case to that standard.

(Identify any specific legal test and provide references/summaries for case law relevant to the specific matter.)

**Further**

If there are any matters that you would like to discuss or if you have any questions before you proceed, please let me know.

Yours etc