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TRANSLATION OF GERMAN PENAL PROCEEDING RULES

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Established by
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Germar Scheerer,
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Part 90: STPO (German Penal Proceeding Rules)

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§ 244 [Introduction of Evidence]

(1) After the accused has been interrogated, the evidence is introduced to the Court.

(2) In order to determine the truth, the court is required to allow the introduction of evidence to include all facts and other evidence which are significant for a decision.

(3) A motion to introduce evidence can be rejected provided the introduction of such evidence is inadmissible.

In addition, a motion to introduce evidence can be rejected only if such introduction of evidence is superfluous for the reason that it is self-evident; or if the fact to be proven is irrelevant for the decision or has already been proven; or if the evidence is completely unsuitable or inaccessible; or if the motion has been made in order to delay the proceedings; or if an important assertion, which is made to exonerate the defendant, can be treated as if the claimed fact were true.

(4) Unless it has been ruled otherwise, a motion to question an expert witness can be rejected, provided the court itself possesses sufficient expertise

The hearing of additional expert witnesses can also be rejected, if the opposite of the claimed fact has been proven by a previous expert report; this does not apply, if the expertise of the previous expert witness is in doubt, if his expert report made incorrect factual assumptions, if his report contains contradictions, or if the new expert witness has new research means which are superior to those of the previous expert witness.

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5) A motion for judicial inspection can be rejected if the inspection, after due consideration by the court, is found to be not necessary for the determination of truth.

Under these circumstances, a motion to introduce a witness can also be rejected, in case the witness is residing abroad.

(6) The rejection of a motion to introduce evidence requires a decision of the court.

TRANSLATOR'S AFFIDAVIT:

I CERTIFY THAT I POSSESS EXPERT COMPREHENSION OF BOTH
THE ENGLISH AND GERMAN LANGUAGES AND THAT THE
ABOVE IS A TRUE AND ACCURATE TRANSLATION.

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