

COMMONWEALTH OF KENTUCKY
____ JUDICIAL CIRCUIT
____ CIRCUIT COURT
INDICTMENT NO. ____ -CR- ____

COMMONWEALTH OF KENTUCKY

PLAINTIFF

V.

DEFENDANT

**AFFIDAVIT IN SUPPORT OF MOTION
TO TAKE AND USE VIDEO DEPOSITION⁴**

The Affiant, [Name], after first being duly sworn, states as follows:

1. That [he/she] is an Assistant Commonwealth's Attorney representing the Commonwealth in the above-styled action.
2. [Witness] is a material witness to the offense described in the above-captioned indictment, and said witness has advised Affiant that [state facts to show unavailability].
3. The above-named witness will therefore be unavailable for trial of this action set in this Court for [date].
4. It is necessary for the above-named witness's video deposition be taken and used at trial in order to prevent a failure of justice in this case.

Affiant

[Jurat]

⁴ KYPRAC-CRP § 23:63