



Going to court for a criminal matter

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If you have been charged with a criminal offence, the police will provide you with a Court Attendance Notice noting the offence and the date that you are required to appear before a Local Court.

At the first appearance, you will have the opportunity to either enter a plea of guilty or not guilty to the charge. You should obtain legal advice prior to entering a plea.

Plea of guilty

If you enter a plea of guilty, your matter will proceed to sentencing.

The police prosecutor, who represents NSW Police in prosecution of criminal matters before the Local Court, will provide to the Magistrate the facts relied upon by police to provide the Court a copy of your criminal history.

Most matters will then proceed to sentencing on the same date. Sentencing in the Local Court of NSW primarily proceeds by way of submissions made by you or your solicitor detailing to the Court the mitigating circumstances of the offending behaviour and through testimonials and reports written on your behalf.

If your matter is a serious and/or if you have a significant criminal history, the Magistrate may adjourn your matter so that they may obtain a Pre-Sentence Report. A Pre-Sentence Report will detail to the Court the sentencing options available. Such reports are required for any sentences other than a section 10 dismissal, fine or good behaviour bond.

If your matter is an indictable offence (link indictable offence to the article) then the matter will proceed by a specialised timetable and you will be committed for sentence before the District/Supreme Court.

If you have been charged with a traffic offence, your matter may also be adjourned for you to attend a Traffic Offenders Program. The Traffic Offenders Program is a 6-8 week (depending upon the location) driver

education program which will have an effect upon the length of disqualification and fine imposed by the Court.

If your matter is adjourned for either a Pre-Sentence Report or attendance at the Traffic Offenders Program, the matter will be adjourned to again come before the same Court for sentencing.

Contesting the charge - Pleas of not guilty

If you enter a plea of not guilty on the first occasion, your matter will be adjourned for six weeks so that the prosecution can serve upon you or your solicitor, a copy of all evidence that they will rely upon at the Hearing of your matter.

Police are obliged to provide a copy of written statements of all witnesses that they seek to call in the prosecution of your matter, as the onus is on the prosecution to prove beyond a reasonable doubt that you have committed a criminal offence.

After service of the Police Brief of Evidence, you will again appear before the Court for a 'second mention'. At the second mention, unless you change your plea to guilty, the Court will list your matter for Hearing at the next available opportunity.

Generally, the third time that you will appear before that Court will be when your matter proceeds to a Hearing. On this date, you will be required to bring to Court all witnesses that you seek to rely in the defence of the charge. Witnesses are required to give evidence in person and must be made available for cross-examination by the prosecution. All prosecution witnesses are required to be made available for cross-examination.

If you are found innocent of the offence, this will complete your matter and no further action can be taken by police.

If your matter proceeds to a contested Hearing and you are found guilty, the sentencing procedure noted above will apply.