

# South East Community Legal Service Inc.

9 Penola Road

Mount Gambier SA 5290



## SECLS Procedure for Simple Guilty Pleas

### 1. **Make sure you attend the court at the time and date nominated on the complaint and summons.**

If you are unsure what time or date you need to appear, contact the courthouse or police.

If you were arrested and are on bail, you will have to attend in person even if you have a solicitor. If you do not attend, a warrant could be issued for your arrest.

If you are not on bail and cannot attend, you should contact the court as soon as possible to see what you will need to do. You will need to have a good reason as to why you cannot attend.

If you are unsure what facts the police will be relying on, SECLS can request a copy of the Apprehension Report for you. If you were charged on summons (not arrested) this information may only be available a few days before the first court day. Alternatively you can write to the prosecutor and ask that a copy be provided to you.

### 2. **Dress neatly.**

Make sure you are not wearing a cap. Tuck your shirt in. Do not chew gum.

### 3. **Be early.**

Arrive at least 10 minutes early. Make sure you are not carrying articles such as pocketknives, as you will go through security at the front door.

Go to the courtroom – it will probably be upstairs if you are appearing in the Mount Gambier court.

### 4. **Announce your arrival**

Approach the Court Officer, who will be seated at a table outside the courtroom. Tell the Officer your name, whether you have a lawyer representing you and what you are going to do (guilty plea, seeking an adjournment, not guilty plea).

If the matter is not a Youth Court matter, you should be able to sit in the courtroom once it is opened. Other wise you can remain outside the courtroom and wait until your name is called. If you are unsure about whether you can enter the courtroom, ask the Officer.

### 5. **In the Court**

When your matter is called, enter the courtroom and stand where directed by the Officer. In the Mount Gambier court there is a white cross on the floor at the end of the table. The Police Prosecutor will be seated at the other end of the table. The charge/ s will then be read out by the Magistrate or the clerk.

Procedure for Simple Guilty Pleas fact sheet.doc

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## **6. Pleading**

You will then be asked to plead. If you are going to plead guilty say "Guilty Your Honour". If there is more than one offence you may be asked how you are going to plead to each of them. Wait until the Magistrate has finished speaking before responding. Do not interrupt the Magistrate.

The Police Prosecutor will then read out the offence details to the Court. They will also advise the Magistrate about any other relevant offence you have committed in the past. Do not interrupt the Prosecutor.

You will then get the opportunity to speak. You should address the Magistrate as "Your Honour". You should look at the Magistrate when you speak. Speak clearly, and do not swear.

## **7. Things you should consider telling the Court are:**

- Any reason as to why you may have committed the offence
- Any excuse as to why you have behaved in such a way
- Whether you have made amends or apologised to the victim (if this applies)
- That you are sorry for committing the offence
- Whether you knew you were committing an offence
- Whether you are currently unemployed or on a low income
- If you face losing your licence, whether you need your licence for work and what effect a loss of licence will have
- Whether you would prefer to do Community Service rather than pay a fine
- If the offence is minor and you have not committed the same or a similar offence before, you can ask the Magistrate to consider not recording a conviction. This is especially important if a conviction may affect your job
- Any other information which may have a bearing on the matter ie family situation, where and whom you live with, marital breakdown etc.

## **8. Discount on judgment/penalty for early plea of guilt**

If, within four weeks or less from the date of your first appearance at court, you plead guilty to the offence or offences that you have been charged with, the court may reduce your penalty by up to 40% (does not apply to some mandatory minimum penalties such as driver's licence disqualification for drink driving).

## **9. Judgment/Penalty**

The Magistrate will then make judgement and order a penalty.

You will receive the relevant paperwork from the Court Orderly as you leave the courtroom. You can ask at the front desk about options to pay fines.

Please note this information sheet is a guide only. If you have any queries or concerns you should seek legal advice. If necessary you can ask the Magistrate to adjourn the matter so you can seek legal advice.