

## Presenting your plea

When the Magistrate calls you, go to the table where the solicitors have been sitting (or where you are directed to stand by the court officer). Tell the Magistrate you are pleading guilty. The police prosecutor will give the Magistrate the police fact sheet. You should be given a chance to read this before it is handed up to the Magistrate.

The Magistrate will read the police documents. The Magistrate will then ask you what you want to say. Give any documents in support of your case to the court officer, who will give them to the Magistrate. Give the police prosecutor a copy of all documents you give to the Magistrate.

When the Magistrate has finished reading these documents, he or she will invite you to speak. This is your chance to use your prepared statement to explain yourself and ask for the minimum penalty.

## Important things to remember

1. Bow as you enter and leave the courtroom. Turn off your mobile phone. Do not wear a hat or sunglasses into court.
2. Address the Magistrate as "Your Honour". Address the police prosecutor as "The Sergeant" or "The Police Prosecutor".
3. Do not talk over or interrupt the Magistrate.
4. Speak clearly and slowly.
5. Look at the Magistrate.

## The magistrate's decision

The Magistrate will listen to your plea and consider all of the documents given to him or her. The Magistrate will then formally find you guilty and will impose a penalty on you.

The Magistrate will give reasons for their decision. If there is anything you do not understand, ask the Magistrate to explain.

## Appeals

You have 28 days to appeal the Magistrate's decision. You should seek legal advice before doing this.



## Location

Kingsford Legal Centre is located on the ground floor of the Law Building, University of New South Wales, Anzac Parade, Kensington.

Enter the university at the main entrance on Anzac Parade, walk down the main walkway and turn down the second path on the left. The entrance to the legal centre is opposite the Uni Bar.

## Postal address

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## Contact details

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# Pleading guilty in the local court



## Information

Never Stand Still

While every care has been taken to make this information accurate, this pamphlet is not a substitute for legal advice. You should get legal advice about your specific situation.

This brochure tells you how to represent yourself in court if you are pleading guilty to a minor offence. You should get legal advice before you decide to plead guilty, even if you are going to represent yourself in court.

### What is a plea of guilty?

If you plead "guilty" you are admitting all of the facts set out on the police fact sheet. You are telling the court that you committed the offence that the police have charged you with.

Even though you are pleading guilty, you can still explain to the court what happened. The magistrate will take this into account when deciding what penalty to give you. Your explanation might help reduce the penalty you get.

If you were/are suffering from a mental illness or condition or a developmental disability, you may have other options rather than pleading guilty. You should seek legal advice before going to court.

### How do I plead "guilty"?

You have 3 options:

1. Go to court on your own on the date listed on your Court Attendance Notice or summons, and tell the court that you plead guilty; OR
2. Take a solicitor to court with you to plead guilty on your behalf; or
3. If you don't want to go to court, complete a 'Written Notice of Pleading' and send it to court at least 5 days before your court hearing date (note: the court might not be able to deal with the case in your absence, in which case they will notify you).

### How do I to prepare for court?

1. Get a copy of the police fact sheet. Ask the investigating officer for a copy of the police fact sheet. This sets out the police case. You should read it carefully before you go to court, so you can decide whether or not to admit to everything the police say about your case. If you do not agree with all the facts, you should get legal advice before deciding what to do.

2. Get all relevant documents ready to take to court. The documents listed below might help you explain your situation to the court, and help the Magistrate decide what penalty to give you.

- a. Character references  
Try to bring 2 character references to court. The references should be written by people who know you and are of good reputation. For example: your boss, your teacher, a long-time family friend, or the president of a sporting club that you belong to.

Each reference should be:

- addressed "To the Presiding Magistrate",
- neatly written or typed, and
- signed and dated.

Each reference should include:

- that the referee is aware of the charge(s) you are facing,
- how long the referee has known you and how they know you,
- the referee's opinion on your character,
- the referee's opinion about whether or not you are likely to commit future offences and
- any other information that might help your case.

- b. Letter of apology:  
You may wish to give the court a letter explaining that you regret your behaviour, and what you will do to make sure it doesn't happen again.

Your personal statement should be:

- addressed "To the Presiding Magistrate",
- neatly written or typed, and
- signed and dated.

- c. Medical or counselling reports:  
You be able to give the Magistrate reports written by your doctor, psychiatrist, employer, counsellor or youth worker explaining your personal and/or financial situation and any steps you are taking to address the problem which brought you to court.

Remember to have 4 copies of all documents you intend to give to the Magistrate:

- Give the original documents to the Magistrate;
- Give a copy of the documents to the police prosecutor;
- Have a copy of the documents for yourself; and
- Have one spare copy (in case it is needed).

3. Prepare your statement  
Write out what you want to tell the Magistrate. This will help you to remember everything, even when you are nervous.

You should include:

- The circumstances that led to the offence. For example, if you were charged with a low-range drink driving offence, you might be able to explain that you had not eaten as much as usual before having a drink.
- Why the circumstances were unusual and unlikely to happen again. For example that you were celebrating a special occasion.
- What steps you have taken to make sure that it doesn't happen again.
- That you are sorry for behaviour.
- Your financial circumstances, and whether you are able to pay a fine.
- The impact that any penalty may have on you. For example, what will happen if you lose your licence.

### Before your court date

1. Make sure you know your court date and the address of the court.
2. If you need an interpreter, book this with the court at least 14 days before your court date.
3. You may be at court most of the day so you should make arrangements for child care, parking, work and so on.
4. Have all your court papers and documents ready.

### On the day

1. Get to Court early. Dress smartly.
2. Look at the court lists of cases to find out which court room you will be in.
3. Find the court officer and tell them that you are present and will be pleading guilty.
4. If you haven't already had legal advice, see the duty lawyer before you go into court.
5. Wait in the public gallery at the back of your court room until you are called.