

Instructions for completing a Written Notice of Pleading – pleading guilty

These are instructions only. It is important to complete this form with your own details and based on your own circumstances. If you need more help, you should seek legal advice.

Written Notice of Pleading

Criminal Procedure Act 1986 (section 182)

Important (please read this before filling in the form)

Complete this form only if you want to lodge a plea in writing instead of attending Court on the day the proceeding(s) is listed.

If you complete this form it must be sent to the Court where the proceeding(s) is issued. The Court house location is on the Court Attendance Notice.

Filling in this form

You should get legal advice about this form before you fill it in. Legal advice is important because you need to know if you can use this form and, if so, what effect it has.

This form cannot be used if you have signed a bail agreement to appear at court.

When the Court must get this form

You must make sure that the Court receives this form before the date of the court hearing shown in the attendance notice.

Part 1 Details about your court case

Please either attach to this form a copy of your attendance notice **or** fill in the details below using the information on the attendance notice:

Name of Defendant (your name): **Write your name**

Offence: **Write the details of the offence as stated in your Court Attendance Notice (CAN)**

Place of Court Hearing (name and address of Court): **Write the name and address of the Court hearing your matter as listed in your CAN**

Date of Court Hearing: **Write the date you have to attend court as stated in your CAN**

Part 2 Pleading not guilty

Leave this section blank

About pleading **Not Guilty**:

Pleading not guilty means that you disagree with the facts alleged by the prosecution, saying that they did not occur or that the evidence of the alleged offence to be presented by the prosecution is insufficient to allow the allegation to be proved against you.

It is often the case that you merely wish to explain WHY the alleged events occurred and for the court to take those reasons into account. In this situation you may seek legal advice as to how to plead or consider pleading guilty and

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asking the court to take into account the explanation offered. (See “About pleading Guilty” below)

If you elect to plead *Not Guilty*, the prosecution will be obliged to call their witnesses to give evidence to the alleged events at a trial, which will take place on a later date. You will be required to attend on that later date when you will have the opportunity to give your evidence, ask questions of the prosecution witnesses and any witnesses that you have elected to attend court, to evidence in your defence as to the events that lead to the alleged offence.

Should your defence be successful, the offence may be dismissed. Should your defence be unsuccessful the court may find the case proven against you, and in addition to any penalty that may be imposed you may also be exposed to pay the expenses of the prosecution witnesses.

Please complete this Part if you want to plead **not guilty** to the offence listed in the attendance notice:

My name is:

My address is:

If you wish to be notified by email please tick the box below and provide your email address.

My email address is:

I agree to the court notifying me of the result of this notice of pleading via email. I understand that if I do so, I will not receive notification by post.

I agree that I am the person named as the Defendant in the attendance notice that was served on me for this offence:

- a) I want to plead not guilty to that offence.
- b) I ask the court to list this matter for hearing on a later date.
- c) I will bring this number of witnesses to the Court Hearing on that later date.
- d) I cannot be at Court on these dates during the next three months:
- e) If the Court needs to speak to me, I may be contacted by telephone on this number:

(Only one of the next two statements applies to you. Please cross out the one that does not apply.)

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- a) The name of the solicitor or barrister representing me at the court hearing is:
- b) I will not have a legal representative at the court hearing.

Part 3 Pleading guilty

Complete this section if you are pleading guilty

About Pleading **Guilty**

Pleading guilty to the offence means that you agree with the facts alleged by the prosecution. You may complete this section and elect to have this matter dealt with in your absence. Your plea of guilty may be rejected by the court if the explanation you have provided indicates that you disagree with the prosecution facts as presented. If the court rejects your plea of guilty, or does not wish to determine the case in your absence, the court may adjourn the case and you will be required to attend personally before the Court on the next occasion.

Please complete this Part if you want to plead **guilty** to the offence listed in the attendance notice:

My name is: **Write your name**

My address is: **Write your address**

If you wish to be notified by email please tick the box below and provide your email address.

My email address is: **Write your email address (if you want to be contacted by email)**

Tick this box if you want the Court to email you its decision

- I agree to the court notifying me of the result of this notice of pleading via email. I understand that if I do so, I will not receive notification by post.

I agree that I am the person named as the Defendant in the attendance notice that was served on me for this offence:

- a) I want to plead guilty to that offence.
- b) I do not want to go to Court to plead guilty. Instead, I ask the Court to decide this matter without me.
- c) If the Court needs to speak to me, I may be contacted by telephone on this number: **Write your phone number**

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- d) I ask the Court to take the following matters into account when deciding my punishment:

(You should explain how and why the offence happened and give some information about yourself, your financial situation, personal circumstances and general character)

You should provide the following information (you can write it on a separate sheet of paper and attach it to this form if you want to):

- **personal information, including your family status (single, married, de facto, separated, dependent children), your age, your educational background**
- **work history, including your past and current employment (when, where, for how long, duties), future prospects of employment**
- **financial circumstances, including your income, expenses, assets, liabilities and your ability to pay any fine that the court may give you**
- **criminal history (if relevant), including whether you have been to court before and if you have been convicted of other offences**
- **driving history (if relevant), including how long you have had your licence, whether you have committed any driving offences, whether your licence has been suspended or disqualified during this time**
- **your need for a licence (if relevant) and the hardship that losing your licence may cause**
- **your good character, including any community involvement or volunteer work (attach 2-3 character references)**
- **if you are sorry for your actions, it is a good idea to write that you are sorry and that you know how serious the charges are.**

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(If you run out of space, please finish your answer on a separate piece of paper, sign it and attach it to this form)

Part 4 Signing this form

Defendant's signature (you sign here): **Sign here** Date: **Write the date**