

*This document does not cover all the information you need from your lawyer for the purposes of the case conference and your decision to plead guilty or not guilty.*

## **Case Conferences for indictable matters in the Local Court**

### **Explanation to legally represented accused**

#### **if statutory utilitarian discount caps do not apply**

#### **[Commonwealth charges or serious children's matters dealt with on indictment]**

- 1) The law requires me to explain to you that a plea of guilty entered while the matter is in the Local Court can reduce the sentence you get in your matter.
- 2) If you plead guilty, the court takes a number of factors into account in deciding the appropriate sentence. One of those factors is called the 'utilitarian discount'. This is a discount you get off your sentence because, by pleading guilty, you contribute to the efficiency of the criminal justice system.
- 3) Generally, the size of the discount depends on when you enter the plea or when your lawyer tells the prosecution in writing that you will be pleading guilty. Usually, the earlier you plead guilty, the bigger the discount.

#### **The Discounts**

- 4) If you plead guilty to an offence, the court may reduce the sentence to reflect the utilitarian discount. The discount generally is in the range of 10 to 25%. The maximum discount usually applies when the plea of guilty is made in the Local Court.
- 5) The court may give you the maximum utilitarian discount, or close to the maximum, even though you plead guilty after being committed for trial or you are found guilty at trial, if:
  - a) you offer to plead guilty to a different charge to the one in the charge certificate while the matter is still in the Local Court and although the prosecution rejects the offer you do not withdraw it, and:
    - i) The prosecution later changes its mind and accepts the plea to the different charge; or
    - ii) At trial you are found not guilty of the offence charged, but guilty of the different charge.

#### **Exceptions to the Discounts**

- 6) Sometimes, despite a plea of guilty to the offence charged, the court reduces the size of the utilitarian discount it would normally have given, or gives no utilitarian discount at all. This might happen where:
  - a) you dispute the facts for sentence and you lose that dispute; or
  - b) the court decides your culpability in committing the offence was extreme; or
  - c) The offence has a maximum penalty of life imprisonment and the sentencing court decides that is the appropriate sentence.

**s.72(2)(b): The penalties applicable to the offences certified in the charge certificate and to any other offences the subject of offers made by the accused or the prosecutor in the committal proceedings**

7) The penalties applicable to the offences certified in the charge certificate are as follows:

*[Add offences certified and applicable penalties].*

8) The penalties applicable to the offences the subject of offers made by you during committal proceedings are as follows:

*[Add offences offered by the accused and applicable penalties].*

9) The penalties applicable to the offences the subject of offers made by the prosecutor in the committal proceedings are as follows:

*[Add offences offered by the prosecutor and applicable penalties].*