



## How to tell your story in the Magistrates Court

### 1 Know the Police Facts

Find out what facts the police (**Police Facts**) will rely on – do this as soon as you receive your summons. It will help you decide whether to plead guilty or not guilty.

### 2 Apply to Police for Basic Disclosure

Basic Disclosure is **free** and will give you:

- the charge against you
- your prior convictions
- the **Police Facts** for the prosecutor
- a record of your interview.

(Full Disclosure will incur a fee but you will get all of the above information plus witness statements.

Visit: [www.police.tas.gov.au/information-disclosure](http://www.police.tas.gov.au/information-disclosure)).

You can disagree with some facts as long as they don't affect your agreement with the charge. Knowing your point of view will help the Magistrate decide on an appropriate penalty.

#### Disputing the Police Facts

If you don't agree with the **Police Facts** you may be able to negotiate with the prosecutor before court. Otherwise, the matter may need to go off to another date for a Disputed Facts Hearing. For help, call our Legal Help line on 1300 366 611.

### 3 How will you plead?

**Unsure?** Contact us for free legal help

**Guilty?** You are agreeing to the charge and the Police Facts. Your matter will be dealt with on your court day

**Not Guilty?** You are disputing that you committed

the offence. The Magistrate will set a future date for a hearing where you and any witnesses will give evidence.

### 4 Writing your Plea in Mitigation

This is your chance to explain your point of view. You can disagree with some facts so long as they don't affect your agreement with the charge. Knowing your point of view will help the Magistrate decide an appropriate penalty.

- **Be prepared.** Write it **before** your court date
- Make sure it is relevant, truthful and no more than 2 pages long
- Do not offer a defence.

#### What should I write for my Plea in Mitigation?

##### Personal details:

Your age, level of education, your employment situation, your family situation and your income and expenses. For example:

*"Your Honour, I am 25 years old. I've lived at 15 Sample Street, Sample Town for 3 years with my girlfriend and 2 year old son. I have worked part time at Sampleshop since I was 17. I earn \$600 per week clear and I pay \$300 per week for rent."*

##### Circumstances of the offence:

The Magistrate needs to know the background leading up to the incident. This will help explain why you committed the offence. For example:

*"I was with my mates and they convinced me to break the window."*

*"My boyfriend left the pub after we had an argument. I was stranded without any money for a taxi so I had no option but to drive."*

##### Summary:

Briefly explain how the offence has affected you. For example:

*"Your Honour I pleaded guilty on my first appearance for this matter"*

*"I am dealing with my alcohol problem through counselling."*

*I am sorry for what I did and I understand the effects and consequences of my actions.*

A character reference is sometimes useful. The person who writes the reference must note your charges or at least refer to them.

You must tell the Magistrate if you believe a conviction will mean losing your job or no longer able to work in the industry.

### On Court Day

- **Make a good impression.** Dress like you are going to a job interview – No singlets, t-shirt, sandals, cap or sunglasses
- **Arrive at least 15 minutes early.** Find out where you need to go
- **Listen carefully for your name to be called.** Go immediately into court when you are called.

### During Court

- **Entering a Plea:** You will be asked to confirm who you are. The court clerk will read out the charges and ask you how you wish to plead: **guilty or not guilty.**
- **I've pleaded guilty, now what?:** The prosecutor will read out the facts about the charges to which you have pleaded guilty. The prosecutor will show you a copy of your prior convictions (if you have any) and will ask you if you agree they are yours.
- **The Magistrate will then ask: "is there anything you wish to say?"** This is your opportunity to stand up and tell the court about yourself and the circumstances of the offence which should explain your actions.  
Stand up and read out your **Plea in Mitigation.** Address the Magistrate as *"Your Honour."*
- The Magistrate will make a decision on an appropriate penalty and give you reasons.

### Before court checklist

- ✓ Confirmed time & date of your appearance
- ✓ A copy of your **Plea in Mitigation**
- ✓ A copy of your character reference
- ✓ Wear neat & tidy clothes
- ✓ Transport organised to arrive early

If you receive a fine, it needs to be paid within 28 days. If you cannot pay within that time, you must contact Monetary Penalties Enforcement Unit on 1300 366 776 as soon as you can to arrange an instalment plan.

Tasmania Legal Aid acknowledges and pays our respect to the Palawa/Tasmanian Aboriginal people as the Traditional Custodians of the land and waters of Lutruwita/Tasmania, where we live and work.




SCAN ME

**Freecall, chat online or visit us**  
**Monday to Friday, 9am – 5pm**

 **1300 366 611**

 **[www.legalaid.tas.gov.au](http://www.legalaid.tas.gov.au)**

 **HOBART  
LAUNCESTON  
BURNIE  
DEVONPORT**

**Tasmania  
Legal Aid**