

THINGS TO DO – PREPARATION OF PLEA

- Letter of apology – refer to sample – follow points in material provided – date closer to sentencing – why did the offence happen, reason, back story, court wants to know explanation, what you have done to address any issues, understand the seriousness of the case, if suitable consider letter of apology to victim in matter, why won't it happen again, why did you breach court orders that were in place
- Character reference(s) – refer to sample – follow points in material provided – date closer to sentencing – discuss matter openly with people providing references – be aware that your privacy may not be able to be maintained when you discuss these things.
- Bring a support person(s) to court – who will you bring, can they give you a letter of support/insight – pro social factors: _____
- Community participation / involvement – is there anything you have done to vouch that you have contributed to the community – coaching, volunteering ect: _____
- Dr letter of attendance – explore why things have been going on – do you need to consider counselling, are you a victim of an assault, what are your coping mechanisms – drug and alcohol issues – excessive consumption, are they masking something else that needs attention, Mental health care plan.
- Employee assistance where required – best if you can raise issues within the workplace – impact of being charged, will you keep your job, alternative duties. Awards, certificates qualifications held, need for licence.
- Programs – Traffic Offenders, drug and alcohol, residential, intensive therapies: _____
- Being dressed appropriately for court – business suit that is well fitted, white shirt, neutral tie, dark polished shoes, dark socks, equivalent for females – business attire – what you would wear for a job interview.
- Information to support medical findings – if its not in correct format can often not be used, recency, rule should be, things asserted need to be supported by material particularly for section 14 application considerations.
- Other: _____



**AUTHORITY TO ACT IN MATTER AND TO OBTAIN / PROVIDE INFORMATION WHERE REQUIRED
TO DO SO**

Name: _____ **DOB:** _____ **Date:** _____

This document is an authority to act where I hereby appoint Stuart Davis or a member of his firm to act on my behalf in relation to criminal / traffic / AVO proceedings for which I am a party. This authority may extend in him or a member of his firm dealing with a member of my family / friend who is listed on this authority. It also extends to allow Stuart Davis or a member of his firm to request / receive medical information on my behalf and to provide personal / sensitive information about my case to a service provider who is involved in my case – for example a Doctor, counsellor, psychologist or psychiatrist.

This authority extends to allow my legal representatives to conduct my legal affairs on my behalf where I have provided instructions either in writing or verbally. I understand that I may be required to confirm instructions in writing from time to time when key decisions need to be made about my case.

I have been reminded to comply with all bail conditions and other restrictions on my behavior and I understand the risks of breaching such conditions / orders of the court may result in my arrest and detainment in custody.

I understand that I will incur costs and will be responsible where I am required to do so to pay those costs including medical costs up front where they are required to do so.

People authorized to assist in my matter by receiving communications / assist with providing instructions so my case is understood by them to assist me:

Name: _____

Name: _____

Name: _____

Authority to request / release information from:

Name / role: _____

Name / role: _____

Name / role: _____

Signed by person giving authority to act – I understand this authority is in place until it is revoked in writing by me to my lawyer Stuart Davis: _____



COURT REFERENCES - INFORMATION SHEET

The purpose of obtaining references, where a person is being sentenced for a traffic or criminal offence, is to provide the court with some evidence about the person's character, their status in the community and their attitude to the offence, including how committing and pleading guilty to the offence has impacted upon them. This evidence assists the court in determining the appropriate penalty.

A court reference is not a general reference, such as an employment reference, which people may have in their CV. For a court reference, it is not sufficient to just write 'To whom it may concern... X is a person of good character.'

Rather, a court reference should be addressed to 'The Presiding Magistrate' in the Local Court and 'The Presiding Judge' in a District Court followed by the Court House where the judicial officer is sitting. The reference needs to state exactly why the referee thinks the person is of good character and precisely how the referee is qualified to make that assessment. Court references must be specific and detailed.

It follows that a referee should generally have known the person for a long enough, or in such circumstances, as to qualify the referee to comment on the person's character. It helps if referees are themselves people of good character - a reference from a minister doctor or teacher will obviously carry more weight than one from a notorious criminal. However come on referees do not need to have a title and letters after their name - some of the best referees are from ordinary people, including family members. There is no magic formula for court references. They are best written from the heart and although typing is preferable, neat handwritten references are perfectly acceptable. References should be succinct and as brief as possible generally no longer than 1-2 A4 pages.

It is absolutely essential that the referee be made fully aware of the offence to which the person has pleaded guilty and discusses the offence and its implications with the person. This in itself may be difficult embarrassing for the person but is part of the process of demonstrating acceptance of guilt contrition and remorse towards the offending behaviour. The willingness of a person to admit and discuss the offence with family, friends and colleagues is one of the things that a court will take into account when considering references.

It is generally unhelpful for referees to include in a reference anything they do know do not know for sure. For example, the statement X does not normally drink drive is of little value if X's records include previous drink driving charges. Referee should ensure they check their facts with the person on whose behalf they're writing, or otherwise confine their comments to first-hand knowledge.

With those issues in mind, the following is a guide for a reference to be handed to a court.



The Presiding Magistrate

Local Court

Date

1. The referee's full name including any titles or qualifications if applicable;
2. The referee's full home or business address phone number and email address;
3. A brief explanation of how long the referee has known the person and in what circumstances for example a relative, friend, neighbour, employer, work colleague sporting team member or coach, parishioner, student etc;
4. The fact that the referee is aware of the offence and has discussed it with the person, including any explanation or expression of remorse the person has given;
5. The referee's opinion, based on the past relationship, of the persons character;
6. The referee's opinion, based on discussion and observation, of the impact the offence and its implications have had upon the person, including how the persons attitude and behaviour may have changed since the offence;
7. Any issues specific to the referee e.g. an employer may to comment on the effect that a conviction and or any loss of licence will have upon the persons continuing employment status;
8. An opinion, based on the referee's knowledge of the person and their discussions with them, as to the likelihood of the person reoffending; and
9. Anything else the referee considers appropriate particularly relating to what the person has learned from committing the offence any issues that they have addressed in their life that have been problematic for them and the confidence that you as the referee would have in them not coming back before a court.

References should not be used as any suggestion of what an appropriate sentence would be in a matter. Referees will not normally receive any response to, nor inquiries about, their references. Court references only read by the persons lawyer police prosecutor or DPP representative and the sentencing judge or magistrate. Once handed to the court, the reference becomes a public document and remains with the court file. The referee should be aware that because it is a public document persons who have interest in the case may inspect it and media outlets may have access to the document which could identify the referee so those things need to be considered as to maintaining privacy by those who supply references.

There is nothing wrong with the person reading a reference that has been, but if a referee wishes a referee wishes a reference to remain confidential it should be handed to the defendant in a sealed envelope or forwarded directly to this office.



LETTER OF APOLOGY INFORMATION SHEET

How to write an apology letter:

Most people sentenced for a traffic / criminal offence want to explain to the court how sorry they are. A well-crafted apology letter can make an enormous difference to the sentence you receive. This page is designed to assist you in preparing a quality letter of apology that will impress a court.

Explain why you are sorry:

Anyone can say they are sorry. An effective letter of apology should explain why you are sorry. You may wish to reflect upon the consequence of your offending, both for yourself and for others. It may be that you can recognize the harm caused by what you did. Whatever you do, do not complain about the consequences for you. The court will not be impressed if you are only sorry because you are about to be punished.

Explain why you committed the offence:

The court will be looking to see if you understand why you committed the offence. It may be that you have a problem with alcohol, or that you have a temper. It may be that you got yourself into a financial mess and made a poor decision. The court knows that if you understand why you committed the offence, then you are halfway to ensuring it does not happen again.

Explain why it won't happen again:

This should flow from demonstrating that you understand why you committed the offence. Speak about the insight you have into your offending and the steps you have taken to ensure it does not happen again. Explain why your attitude and perspective are different now, and why that means the court can have confidence that, if put in the same position, you would make different choices. If you have taken any concrete steps, tell the court about this. It may be that you have completed an anger management course, self-excluded yourself from a gambling venue, or given up drinking.

Tell the court how you feel:

People often reporting feeling a range of emotions about coming before the court. This may be a feeling of shame, or remorse, or embarrassment for you or your family. You may wish to express sympathy for others you have affected, including, if any, victims of the conduct. Explaining how you feel can help the court see that you are taking the matter seriously.