

NOTICE TO DEFENDANT [MINOR INDICTABLE OFFENCE]

To the Defendant: **WARNING**

After receiving this Notice **you must follow the instructions below.**

You must decide if you will:

- (1) Plead **guilty** to the offence[s] (crime);
OR
- (2) Plead **not guilty** to the offence[s] (crime).

You should obtain legal advice before making this decision.

You will need to follow different instructions depending on whether you plead **guilty** or **not guilty**.

If you fail to follow these instructions the Court may:

- **Proceed (continue) without you, or**
- **issue a warrant for your arrest**

If you do not attend and the Court proceeds, **you may be convicted and sentenced** for the charged offences set out in the Information.

If you intend to plead guilty, you must:

- Attend Court yourself or through your solicitor.

Note: if you are found guilty of a driving offence, you may be issued with demerit points. If you wish to apply for the demerit points to be reduced, you must attend Court to give evidence.

OR:

If you intend to plead not guilty, you must

- Attend Court yourself or through your solicitor at the next hearing (and the subsequent hearings for your matter).

You have been charged with a minor indictable offence. You have the right to elect for trial of the charges before a Judge and jury in the District Court.

You should receive legal advice before choosing whether to proceed to trial and filing an election document.

You can elect for trial in the District Court by:

- Filling out a Form 66 'Election for Trial in the District Court' available on the CourtSA portal (website). If you fill out this form you must either upload it to the CourtSA website or lodge it at a Court Registry **OR**
- Filling out a Form 66 'Election for Trial in the District Court'. If you fill this out you must sign it and send it to the relevant Court Registry.

An election for trial in the District Court must be made by the time of the second hearing in the Court. An election does not take effect until the completed Form 66 is filed in the Court.

If you elect for trial in the District Court, the matter will proceed in the Court to a committal hearing. If the Court finds you have a case to answer, you will be committed for trial in the District Court.

If you do not elect for trial in the District Court, the proceedings will be heard in the Court. You will be expected to have discussed the issues in detail with the Informant or their representative before a trial date is set.

WARNING

An election **does not take effect until this completed form is filed** by uploading it to the CourtSA portal or lodging it with the Court.

1. It must be lodged:

- a) Where a summary of the evidence has been requested by the defence or directed by the Court – within 14 days of the delivery of the summary;
- b) Where there is no request or direction for a summary – not later than 6 weeks after the Defendant's first appearance before the Court

2. You cannot elect for trial before a Judge sitting without a jury (section 7(2) of the *Juries Act 1927*).

Information on Guilty Pleas

If you plead guilty to an offence, you may be eligible for a reduction in the sentence you receive for the offence. The maximum reductions available are set out in sections 39 and 40 of the *Sentencing Act 2017*.

The maximum reduction you may be eligible for depends on when you plead guilty. Time begins to be counted from your first appearance in the Court.

You will have an opportunity to plead guilty at any hearing. However, if you wish to plead guilty before your next hearing date, you will need to apply to have the matter called on to enter your plea. You can do this by filling out a Form 52 'Request to have Matter Called on for Guilty Plea' available on the CourtSA portal (website). If you fill out this form you must either upload it to the CourtSA website or lodge it at a Court Registry as soon as possible.

Service

The party filing this document is required to serve it on all other parties.