

10/21 form **21**

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Key: YES = ✓ NO = x

Address	
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Active		DOB	/ /
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Previous		Checked
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PLEA	SoF accepted:	No Plea:	Guilty:	Not Guilty:	Elects Jury:	Diversion:

BAIL At large: ☐ Terms agreed by def.: ☐ Bailsheet attached: ☐ BTC: ☐ Opposed: ☐ (s8 | 10 | 12 | 13 | 15 / 17A)

PERSONAL	Working	(Part time / Full time)	Benefit
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Fines:	Single:	Married/Partner:	Dependants:
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LEGAL Legal Aid Application Completed: ☐ s. 129 Sentencing Act: ☐ s. 65 Land Transport Act: ☐

s. 65A Interlock: ☐ s. 65B Zero licence: ☐ s. 30 Sentencing Act advice given: ☐

Def. had initial disclosure: ☐ Name Suppression: ☐ Recall: ☐

SUGGESTED OUTCOME

INSTRUCTIONS

[illegible]

Date _____

/ /

COURT DECISION

Next Court Date:
Event:

Defendant confirmation

I _____
[Name]

Understand that I can apply for my own lawyer to help me in court to apply for bail. The lawyer would be paid for by the Government if I can't afford it.

Or;

I _____
[Name]

understand that I can put my case off for 2 or 3 weeks without pleading guilty to apply for my own lawyer who would be paid for by the Government, if I can't afford it.

Even though I understand this, I want the lawyer I met at court today,

[Duty Lawyer's Name]

to be my lawyer today. I understand it is free.

I want my lawyer to enter a plea of:

_____ **guilty / not guilty / other** _____

Delete as applicable

The lawyer I met at Court today has also talked with me about:

- The information the police must give me about my charges and the evidence they have collected.
- My criminal history and what it will mean for me if I tell the court I am guilty of the charges I am here for today.
- What my penalty could be if my case is decided today.
- What my penalty could be if I put my case off for another day.
- Whether I should ask the Judge to tell me what my penalty could be, before telling the court I am guilty or not guilty.

Signed: _____

Date: _____

Interpreter _____

[Name]

Signed _____

Date _____

Duty Lawyer Disclaimer

I confirm that I met with _____

today and accepted instructions to help him/her/they with matters noted on the first page of this form.

- ☐ I am satisfied I have no conflict or potential conflict of interest.
- ☐ I have considered the appropriateness and timing of any application for bail or name suppression.
- ☐ I have advised the prosecutor that I am acting as duty lawyer.
- ☐ I have appropriate experience in the matter.

If a plea is to be entered, I have:

- ☐ Obtained relevant disclosure and discussed it with the defendant.
- ☐ Advised the defendant on prosecution disclosure obligations.
- ☐ Reviewed the defendant's previous convictions and advised of the consequences of conviction, including where relevant whether an application for discharge without conviction should be made and if applicable the additional consequences for serious repeated violent offending (3-strikes).
- ☐ Where required, discussed the matter with the prosecution.
- ☐ Where relevant, considered the availability of a stand down report to assist with sentencing.
- ☐ Considered the seriousness of the charge.
- ☐ I have provided advice on sentencing discounts for any plea of guilty.
- ☐ If appropriate, I have discussed the availability of a sentencing indication hearing.
- ☐ If the defendant is charged with a qualifying offence, advised him/her about the requirements of the sex offenders' register.
- ☐ Where applicable advised the defendant about his/her right to elect jury trial and relevant factors in making that decision.

I have considered and appropriately addressed any issues that arise where:

- ☐ The defendant appears to have an intellectual disability or mental health issues.
- ☐ The defendant doesn't speak English and an interpreter is required.
- ☐ The defendant has addiction, alcohol, or drug issues.
- ☐ The matter may be suitable for restorative justice.
- ☐ Family harm is involved.
- ☐ The matter may be suitable for diversion.

Signed: _____

Date: _____