

MAGISTRATE COURT – CRIMINAL PROCEEDINGS GUIDE

I Was Charged by the Police – What Happens Next?

When a person is charged by the police, they are issued with an **Information and Complaint**, commonly referred to as a “charge sheet.” This document formally initiates criminal proceedings before the Magistrate Court.

Depending on the nature of the offence:

- The defendant may be granted police bail and given a date to appear in court; or
- The defendant may be remanded in custody until the next court sitting.

First Court Appearance (Arraignment)

The first appearance before a Magistrate is known as an **arraignment**.

At this hearing:

1. The defendant’s name is called.
2. The defendant stands in the dock.
3. The Magistrate confirms:
 - Name
 - Address
 - Nationality
 - Occupation
 - Contact information

The charge and the details of the allegation are then read aloud in open court.

Entering a Plea

After the charge is read, the Magistrate will ask whether the defendant understands the allegation. The defendant must then enter one of two pleas:

- **Guilty**, or
 - **Not Guilty**
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Plea of Guilty

If a defendant pleads guilty, the Court may:

- Proceed immediately to sentencing; or
- Adjourn the matter for sentencing at a later date.

In some cases, the Court may grant bail and adjourn the matter to allow the defendant to prepare for sentencing.

What Is Mitigation?

Mitigation is the opportunity for a defendant to provide reasons why the Court should exercise leniency. This may include:

- Personal or financial circumstances
- Employment history
- Family responsibilities
- Lack of previous convictions
- Cooperation with police
- Payment of damages or medical expenses
- Expression of remorse

The Magistrate will consider these factors before imposing sentence.

Plea of Not Guilty

A defendant who does not agree with the allegation has the right to enter a plea of **Not Guilty**.

A defendant who pleads not guilty is not required to provide any explanation to the Court. The burden of proof rests entirely on the prosecution.

If a defendant chooses to speak, the Court is required to record those comments, particularly where they relate to injury or allegations of mistreatment.

Bail

If a plea of not guilty is entered, the Court will consider bail.

Offences for Which a Magistrate Cannot Grant Bail (First 90 Days)

Section 16 of the Crime Control and Criminal Justice Act provides that a Magistrate cannot grant bail during the first 90 days after charge for certain serious offences, including:

- Murder, attempted murder, or conspiracy to murder
- Robbery or burglary involving a firearm
- Aggravated assault with a firearm
- Kidnapping
- Certain drug trafficking offences involving quantities above statutory limits
- Carnal knowledge of a girl under sixteen
- Incest
- Offences under the Firearms Act
- Certain gang-related offences
- Illegal entry under the Immigration Act
- Certain Customs offences

If charged with one of these offences, the Magistrate is legally prohibited from granting bail during the initial 90-day period.

What Is Bail?

Bail is an order of the Court permitting the release of a defendant from custody pending the conclusion of criminal proceedings. A defendant on bail remains presumed innocent unless proven guilty.

The Court may impose:

- A surety
- A monetary amount
- Reporting conditions
- Behavioural conditions
- Any other lawful condition considered necessary

Sureties

A **surety** is a person who guarantees that the defendant will:

- Attend court on all scheduled dates; and
- Comply with all bail conditions.

Surety Requirements

A surety must provide:

- Valid identification
- Proof of address
- In some cases, proof of employment or business ownership

The Court must be satisfied that the surety is financially capable of meeting the bail amount if forfeited.

If the bail sum is forfeited and remains unpaid, enforcement proceedings may be initiated against the surety, which may include committal to custody in accordance with the law.

Signed Bail

Where bail does not exceed \$5,000, the surety generally does not pay the amount upfront. Payment is required only if the defendant breaches bail conditions.

For higher amounts, the Court may:

- Require multiple sureties; or
- Require collateral.

Collateral

Collateral is property or cash pledged to secure a defendant's compliance with bail conditions.

If land is used:

- The land must be registered with the Lands Department.
- The original land certificate must be presented.
- The property must be appraised.
- A Deed of Encumbrance must be registered for bail of \$10,000 and above.

An encumbrance places a legal claim on the property until the case concludes.

Upon conclusion of the matter, the landowner may apply in writing to the Clerk of Court for documentation to remove the encumbrance at the Lands Department.

Breach of Bail Conditions

If a defendant fails to attend court or breaches bail conditions:

1. The surety will be summoned to explain the absence.
2. The Court may grant time to locate the defendant.
3. The Court may revoke bail and issue a bench warrant for arrest.
4. The Court may order forfeiture of the bail sum.

The surety may be required to pay the full amount or enter a court-approved payment arrangement.

Withdrawal as Surety

A surety wishing to withdraw must:

- Appear in court with the defendant; and
- Provide reasons for withdrawal.

If approved, the defendant will be taken into custody until another surety is approved.

Adjournments

An adjournment occurs when the Court postpones proceedings to a later date.

Criminal matters do not proceed to trial at the first appearance. Adjournments allow:

- Completion of investigations
 - Preparation of the case file
 - Disclosure of evidence
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Disclosure

The prosecution has a duty to disclose all evidence it intends to rely upon at trial.

Disclosure may include:

- Witness statements
- Police reports
- Photographs
- Medical reports
- Recorded interviews
- CCTV or other digital evidence

The disclosure package is a critical part of the proceedings. A defendant should review it carefully, even where represented by an attorney.

Case Management Conference

After disclosure, the Court will schedule a **Case Management Conference**.

At this hearing:

- Evidence is reviewed
- Witnesses are identified
- Trial duration is estimated
- Legal or factual issues are clarified

A trial date will then be fixed.

Summary and Hybrid Offences

Criminal matters before the Magistrate Court are classified as:

Summary Offences

Tried only in the Magistrate Court.

Hybrid Offences

May be tried either in the Magistrate Court or the High Court.

The Director of Public Prosecutions determines where a hybrid matter will proceed.

Timeframes Under the Criminal Procedure Rules

Summary Matters

- First Hearing: Within 28 days of summons, or immediately after charge.
- Case file submission: Within 4 weeks of First Hearing.
- Disclosure: Within 8 weeks of First Hearing.
- Conclusion of trial:
 - 26 weeks (custody)
 - 39 weeks (bail)
- Sentencing: Within 21 days of conviction, unless exceptional circumstances exist.

Hybrid Matters Tried Summarily

- Venue determined at First Hearing.
- Venue hearing (if required): Within 14 days.
- Case file submission: 8 weeks.
- Disclosure: 16 weeks.
- Trial conclusion: 26 weeks (custody) or 39 weeks (bail).

These timelines are subject to limited exceptions provided for in the Rules.

Preliminary Inquiry

For serious offences that will proceed to the High Court:

- The Magistrate conducts a Preliminary Inquiry.

- The Court determines whether sufficient evidence exists to commit the defendant for trial.

If committed, the defendant may be required to renew bail pending High Court proceedings.

Fines

A fine is a monetary penalty imposed following:

- A plea of guilty; or
- A conviction after trial.

All fines must be paid at the Magistrate Court. Arrangements may be made to pay in another district, provided the originating court is notified.

Extensions for payment may be granted after review of payment history and reasons for delay.

Guilty Plea by Letter

Under Section 41 of the Summary Jurisdiction Procedure Act, certain minor offences (primarily traffic and specified summary offences) may be resolved by written guilty plea.

If accepted:

- The plea is treated as entered in court.
- The Magistrate may impose a fine.
- The defendant will be notified of the judgment.

This procedure applies only to offences listed in the Schedule to the Act.

Requests for Court Records

Transcripts

Requests must be made through the Clerk of Court.
Processing time is approximately one month.

For appeals, additional case details must be provided.

Criminal Records

Requests must be made through the Clerk of Court.

Where records are older than five years, additional time may be required to retrieve archived files.

Embassy / Visa Letters

Applications must be made at the Belize City Magistrate Court.

Required documents may include:

- Valid identification
- Police record
- Birth certificate
- Marriage certificate (if applicable)
- Deed poll (if applicable)

Processing time is approximately two months.