

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.

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

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.
