



MURRAY TORCETTI
LAWYERS
RIGHT LAWYER / RIGHT NOW

WHAT YOU NEED TO KNOW & DO BEFORE YOUR SENTENCING DATE

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A guide to provide you with information about what you can expect on the day of your sentencing in court. It is important to understand the process and what will happen so that you can be prepared and feel more at ease. The information is general in nature, your lawyer can advise on your unique situation.

7 DAYS BEFORE THE SENTENCE

Make sure your lawyer has a copy of the following materials a week before sentencing: (if you have been asked to provide them)

- Your letter of regret and/or remorse
- Any proof of rehabilitation or counselling;
- Character references and letters of support;
- A letter from your employer confirming your job;
- Proof of restitution or compensation you may have paid.

Any other information that could help your case or reduce your sentence, like a stable place to live, a job, or strong ties to the community.



THE DAY BEFORE

- Confirm your travel plans to make sure you will be at court on time. Here is a list of the locations of all the courts in Queensland: [Court House Contacts](#).
- Confirm the location of the court you are required to attend.
- Read through the "preparing for prison checklist" and make plans for the possibility that you will be sent to prison (your lawyer will have advised you if this is a possible sentence).



WHAT TO WEAR TO COURT

It's important to dress appropriately for court. Smart casual or business attire is usually the safest choice. It's important to be respectful and professional, because how you act can affect how demonstrates respect for the court and the seriousness of being in court.

WHAT TIME TO BE AT COURT

When you get to court, you will meet your lawyer outside the courtroom where your case is listed. Your lawyer can tell you what to expect during the proceedings and answer any questions you may have. There may also be some paperwork that your lawyer needs you to sign, like the formal instructions to enter a plea of guilty to the charges.

If you have any questions, now is the time to talk to your lawyer, since your lawyer might not be able to answer your questions in detail once your case starts.



INSTRUCTIONS TO PLEAD GUILTY

The following points are standard considerations and consequences that apply when an someone pleads guilty to a charge or charges. It is likely these points will be contained in the instructions your lawyer will ask you to sign. If you have any questions about the below, you can ask your lawyer to explain further before signing the document.

It is understood that the individual is innocent until proven guilty and has the option to reject any and all charges.

The individual has received counsel from their lawyers and has a proper understanding of the charges, the prosecution's evidence against them, and the fact that the evidence supports the charges.

By pleading guilty, the individual acknowledges that the court will determine their punishment based on the evidence presented by the prosecution and any mitigating circumstances deemed relevant by the court. These details have been explained to the individual.

The individual is aware that pleading guilty means acknowledging guilt in connection with the offense(s) and that the court will impose a punishment based on this guilt.

It has been made clear to the individual that the court is not required to follow or accept any recommendations made by the prosecution or their lawyers regarding the appropriate sentence, and that the court may choose to impose a punishment outside of the suggested range.

The individual has been informed that, in addition to any other fines or compensation, they will also be required to pay an Offender Levy of \$130.30.

The individual has been made aware of potential additional consequences of their guilty plea, such as a recorded conviction, potential difficulties obtaining or maintaining a Blue Card or weapons license, disclosure to a professional regulatory body leading to show cause or disciplinary proceedings or loss of employment-related licenses, public attention, and the possibility of facing civil lawsuits and judgement for damages or compensation.

The individual voluntarily agrees to plead guilty and has not been threatened, promised, or otherwise coerced into doing so. They are aware that it will be nearly impossible to change their plea to not guilty once it has been entered.

Loss of licence, for many of the traffic offences that come before a court, the court may be required to disqualify you from having a license for a period of time. The disqualification is immediate and cumulative (periods run on top of each other and any existing disqualification period).

THE SENTENCING PROCESS



During the sentencing process, the judge will ask you how you plead. If you have talked about this with your lawyer, you should say "guilty." The magistrate will then ask if you are pleading guilty of your own free will and if you have been forced to plead guilty. If you feel like you are being pushed to plead guilty, it is important to tell your lawyer.



The prosecutor will then explain the facts of the case, your criminal history (if you have one), and the range of sentences they think are fair. You might not agree with or be upset by what you hear at this time, but it's important to keep your cool because any outbursts, comments, or scoffing are likely to be seen by the Magistrate and reflect poorly on you.

Your lawyer will then talk about your background, the facts of the case, and your history, and try to get you the shortest sentence possible. This could include things like remorse, rehabilitation efforts, and a desire to make up for the damage done and harm caused.



The judge will then consider all of the information above when making a decision about your sentence. It is important to listen carefully to the judge's decision and do what they say. If you don't agree with the sentence, you have the right to appeal it. Your lawyer will be able to tell you what to do next if you want to appeal.

It's normal to feel anxious or nervous on the day of your sentencing, but it's important to remember that you have the right to a lawyer and a fair hearing. Your lawyer will be there to fight for you and make sure that your rights are protected and respected.



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Summary of Sentencing Options

On your day of sentence of after an unsuccessful trial, the prosecutor, your lawyer and the judge or magistrate will be discussing what the appropriate penalty for your case will be.

We understand it can be confusing and fast paced.

After your lawyer has reviewed the facts, charges, your history and possibly the case law your lawyer will give you an indication of where they think the range of possible sentence is. However, the Court does not have to follow the sentence range suggested by the prosecution or defence even if the possible penalty is agreed.

Less serious sentences - convictions may not be recorded

- Absolute discharge
- Convicted & not further punished
- Bonds
- Fines
- Probation / Community Service

Periods of imprisonment with **no actual custody**, convictions must be recorded

- Intensive Corrections Order - custodial sentence served in the community
- Imprisonment but immediately suspended for a period of time
- Imprisonment but immediately released on parole

Sentences with **actual time in prison**, convictions must be recorded

- Imprisonment suspended after serving a period of time.
- Imprisonment then released on parole date fixed after serving a period of time fixed by the court.
- Imprisonment then made eligible for parole from a date as set by the Court
- Serious Violent Offender Orders - Where parole eligibility is set after 80% of the head sentence.

COMMON PENALTIES IN THE MAGISTRATES COURT

CONVICTED, NOT FURTHER PUNISHED

YOU ARE CONVICTED OF THE CHARGE, BUT NO OTHER ACTION IS TAKEN AGAINST YOU.

If the court is satisfied you have broken the law, the court can convict you of breaking law and take no further action (such as recording a conviction or imposing a fine)

FINE

THE COURT FINES YOU.

The court may fine you, you may have to pay the fine in a set period of time and risk imprisonment if you do not pay the fine, the fine might be deferred to SPER to be paid of over a period of time.

Failure to pay SPER debt can have significant consequences such as suspension of driver's licenses and other orders.

PROBATION

THE COURT ORDERS YOU BE SUPERVISED BY PROBATION

Probation is where you are supervised by a probation officer. Probation is a service to assist you with addressing underlying problems contributing to the offending such as substance abuse, or seeking counselling. A probation order is more of an effort to support you, rather than punish you. You must agree to a probation order before it is made.

SUSPENDED SENTENCE

IMPRISONMENT, WHOLLY OR PARTLY SUSPENDED

A term of 5 years imprisonment or less, either suspended immediately or after serving a period in a correctional centre for a period of time. If you are convicted of further charges punishable by imprisonment during the time the sentence is suspended, you may have to serve the whole or part of the original period of imprisonment imposed, in addition the sentence of the new offences.

IMPRISONMENT AND PAROLE

A PERIOD OF TIME IN PRISON

After imposing a term of imprisonment, the court will usually set a parole release date or a parole eligibility date when you are eligible to apply to the Parole Board Queensland for release on parole. Once on parole, it is considered a period of imprisonment served in the community. Parole may return you to a correctional centre without going to court if you breach the parole conditions or commit further offences while on parole.



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LIKE YOUR FINGERPRINT, YOUR MATTERS ARE UNIQUE

Every case is different. All the above, none of the above or many other considerations might be relevant.

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Local Magistrates Courts

| | |
|--------------|---|
| Caboolture | 29 King Street, Caboolture QLD 4510 |
| Redcliffe | 8 Anzac Avenue, Redcliffe QLD 4020 |
| Pine Rivers | 374 Gympie Rd, Strathpine QLD 4500 |
| Sandgate | Cnr Rainbow Street & Flinders Parade, Sandgate QLD 4017 |
| Brisbane | 363 George Street, Brisbane QLD 4000 |
| Maroochydore | 107 Maud Street, Maroochydore QLD 4558 |
| Caloundra | 19 West Terrace, Caloundra QLD 4551 |

Local Probation / Parole Locations

| | | |
|-----------------------------|--|--------------|
| Caboolture | The Lakes Centre Building C 8/22 King Street Caboolture QLD 4510 | 07 5294 8800 |
| Redcliffe | 246 Anzac Ave Kippa Ring QLD 4021 | 07 3884 1500 |
| Pine Rivers and Pine Rivers | Level 1, 199 Gympie Road Strathpine QLD 4500 | 07 3094 4400 |
| Brisbane | 50-56 Little Edward Street Spring Hill QLD 4004 | 07 3565 3400 |
| Maroochydore and Caloundra | 3/50 Wises Road, Buderim QLD 4556 | 07 5373 4800 |

Facing actual time in custody is a hard reality of criminal law. Your lawyer will have advised you this is a possible sentence, there are a few things you can do to prepare for that outcome.

Preparing for Prison

Say your goodbyes before court

You will not be allowed to hug you loved ones at the bar table after being sentenced. You should take your time with friends and family before court starts.

It is only natural to want to say good bye again but the bail/police officer is not going to allow it.

Have cash on you for your Trust Account

Have \$100 in cash on you to place into your prisoner trust account. It may take some time for funds from outside to make it into your account.

A small amount of money going right into your account will make the adjustment a little bit easier.

Have the contact details of loved ones ready

For most people, our phones have all the contact details of the people in our lives. You wont have access to your phone for the period you are in custody.

A take list of names and number of people you want to be able to contact.

Have your affairs in order

Wherever possible, organise your life in preparation of you being unavailable. This might mean finding alternative care for children or pets.

Even if you are a sole-parent, never bring young children to court for sentencing.

Do you need a Power of Attorney?

Consider if you should allow some you trust to take care of your financial matters for the duration of your time in prison.

A Power of Attorney could allow a person of your choice the ability to manage your financial or other matters while you are unable to.

Have prescriptions for medications on you

Take any prescriptions for medications you are on to provide to the prison at intake.

A common difficulty is access to regular medication. Some over-the-counter medications may be prohibited substances within the prison.