

Stages of an *Indictable Offence*

FIRST HEARING

This is the first Court Hearing of the matter and will be the first time the accused comes before the Court for the offence(s).

The First Hearing will be listed in the Magistrates Court closest to where the offence was committed.

Usually at this Hearing the matter is listed for Police Committal Mention Hearing and is adjourned, or put, off for a period of ten (10) weeks so the WA Police can provide the relevant evidence to the accused (or accused persons legal representative) for consideration.

POLICE COMMITTAL MENTION HEARING

This Hearing will be listed in the Magistrates Court closest to where the offence was committed.

At this Hearing the Court will confirm that the accused (or the accused's legal representative) have received all the relevant evidence, or disclosure, in relation to the offence(s).

If all relevant evidence has been received, then the matter will then be listed for a State Committal Hearing and will be transferred to the Perth Magistrates Court.

If an accused's matter is being heard in a regional Court, the matter will not be transferred to Perth Magistrates Court but will be transferred to the nearest Magistrates Court with an available District Court Circuit Court.

If all the relevant evidence has not been received then it is likely that the matter will be put off, or adjourned, for a period of time so the parties have the opportunity to be provided with the missing disclosure. In these circumstances, the matter will be listed for a further Police Committal Mention Hearing.

STATE COMMITTAL MENTION HEARING

This Hearing will take place in the Perth Magistrates Court or the relevant District Court Circuit Court (if a regional matter).

By this Hearing, the WA Police will have handed carriage of the matter over to the Department of Public Prosecution (DPP) and a Case Manager will have been assigned to the matter by the DPP.

At this Hearing the accused will enter pleas of guilty or not guilty for the offence(s), relevant reports will be sought (if needed) and the matter will be transferred, or committed to, to the District Court.

GUILTY PLEA FAST TRACK

IF PLEA(S) OF GUILTY ARE ENTERED

SENTENCE MENTION HEARING

A Sentence Mention Hearing will take place in the District Court, before a Registrar.

At this Hearing, the Registrar will want to know if the requested Reports (Pre-Sentence Report, Psychological Report etc) have been received, whether the matter is ready to proceed to Sentence Hearing and the estimated duration of that Sentence Hearing.

If the matter is ready to be progressed, the matter will then be allocated a date for a Sentence Hearing.

SENTENCE HEARING DISTRICT COURT

A Sentence Hearing will take place in the District Court, before a Judge.

At this Hearing the DPP and the accused person's legal representative will make submissions to the Court with respect to the circumstances surrounding the offence and appropriate penalty which is sought for the offence(s).

A penalty will then be imposed upon that accused person by the Court and the matter will be finalised.

IF PLEA(S) OF NOT GUILTY ARE ENTERED

TRIAL LISTING HEARING

A Trial Listing Hearing will take place in the District Court, before a Judge.

At this Hearing, the Court will want to know if the matter is ready to be listed for a trial and/or whether there are issues which are required to be resolved before a trial date is set.

If the matter is ready to be listed for a trial a trial date will be set by the Court.

TRIAL HEARING

A Trial Hearing in the District Court will usually be heard by a Jury, unless an application is made that the matter be heard by a single Judge.

A Judge will be present at the Jury trial to direct the Jury on any legal issues and to summarise the case at the end of the trial, for the Jury.

At the conclusion of the trial, the Jury will deliberate and deliver a verdict of guilty or not guilty based on the assessment of the evidence heard during the trial.