

NOTICE TO DEFENDANT [COMMONWEALTH INDICTABLE OFFENCE]

To the Defendant: **WARNING**

After receiving this Notice **you must follow the instructions below.**

If you fail to follow these instructions the Court may **issue a warrant for your arrest.**

If you intend to plead guilty, you must

- Attend Court yourself or through your solicitor.

As you have been charged with a Commonwealth indictable offence, you will ordinarily be committed for sentence in the District Court or Supreme Court.

However, if you plead guilty and if the offence is punishable by imprisonment not exceeding 10 years (section 4J(1) of the *Crimes Act 1914* (Cth)) or the offence is not punishable by imprisonment and has a pecuniary penalty of not more than 600 penalty units for an individual/3,000 penalty units for a body corporate (section 4JA(1) of the *Crimes Act 1914* (Cth)) and the offence is not an offence listed in section 4J(7) of the *Crimes Act 1914* (Cth), you may be sentenced in the Magistrates Court if both you and the Prosecution consent to this and file the relevant Form 62.

You should receive legal advice before making this decision.

OR:

If you intend to plead not guilty, you must

- Attend Court yourself or through your solicitor at the next hearing (and the subsequent hearings for your matter).

As you have been charged with a Commonwealth indictable offence, the matter will proceed in the Magistrates Court to a committal hearing.

If the Court finds you have a case to answer, you will be committed for trial in the District Court or Supreme Court.

If the offence is punishable by imprisonment not exceeding 10 years (section 4J(1) of the *Crimes Act 1914* (Cth)) or the offence is not punishable by imprisonment and has a pecuniary penalty of not more than 600 penalty units for an individual/3,000 penalty units for a body corporate (section 4JA(1) of the *Crimes Act 1914* (Cth)) and the offence is not an offence listed in section 4J(7) of the *Crimes Act 1914* (Cth), you may be tried in the Magistrates Court if both you and the Prosecution consent to this and file the relevant Form 62.

Information on Guilty Pleas

If you plead guilty to an offence, you may be eligible for a reduction in the sentence you receive for the offence.

You will have an opportunity to plead guilty at any hearing. However, if you wish to plead guilty before your next hearing date, you will need to apply to have the matter called on to enter your plea. You can do this by filling out a Form 52 'Request to have Matter Called on for Guilty Plea' available on the CourtSA portal (website). If you fill out this form you must either upload it to the CourtSA website or lodge it at a Court Registry as soon as possible.

Service

The party filing this document is required to serve it on all other parties in accordance with legislation and the Rules of Court.