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Letter of Representations - Plead Guilty Mentions

Criminal Law Practice Series

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“Negotiations & Clarifications”

Criminal Charges – Immediate Aftermath

What should I do after being charged for a criminal offence?

Insofar as it is possible, it is always highly advisable for one to immediately seek legal advice when facing criminal charges. Ideally, one may consider consulting lawyers even before formal charges are presented (e.g. during the investigation stage).

It is of paramount importance that one understands the nature of the criminal charge(s) that he / she is facing and the potential consequences of being convicted of the same.

For instance, is one potentially facing only a fine? Will there be an imprisonment term? How long will the imprisonment term be? How will a criminal conviction affect me?

Of course, one needs to be apprised of the options / courses of action available to him / her when facing criminal charges. E.g. Do I plead guilty to the charge(s) or should I claim trial and contest the allegations?

Letter(s) of Representation

Prior to deciding whether to claim trial or plead guilty, it is typically worthwhile to reach out to the Prosecution / Attorney-General's Chambers to attempt negotiations, where possible.

Such negotiations or discussions are opportunities for you to put forth your version of events and are typically undertaken by your appointed lawyer (“the Defence Counsel”) with the Prosecution / Attorney-General's Chambers vide formal Letter(s) of Representation.

Procedure at Plead Guilty Mentions

Once an individual elects to plead guilty to his / her criminal charges, a formal Court hearing date (Plead Guilty Mention) will be fixed to record that individual's plea of guilt and determine his / her sentence.

If unrepresented by lawyers, this would be an extremely stressful process to navigate. As such, we provide brief snapshots of the various stages of a Plead Guilty Mention:-

“Memorandum of Appearance, Pleadings”

- a) **Criminal charges are read to the accused;** if the accused indicates that he / she wishes to plead guilty, his / her plea is recorded.
- b) **The Court must be satisfied that the accused understands the nature and consequence of his / her plea;** the Court will record the Defence Counsel's confirmation of the same

and make sure that the accused is admitting to the offence “without qualification”.

- c) **The Prosecutor will read the Statement of Facts to the accused;** the Statement of Facts is a summary of events comprising the charge(s), which will be read to the accused.
- d) **Where the accused does not admit to the Statement of Facts without qualification;** if the accused only disputes material facts which affect sentencing but does not qualify the plea of guilt, a separate Newton Hearing will be convened (explained further in our upcoming series).
- e) **Where the accused admits to the Statement of Facts without qualification;** the Court will formally convict the accused of the criminal charge(s).
- f) **The Prosecution may address the Court on sentence.**



- g) **The Court will hear any Plea in Mitigation;** If represented by lawyers, the Defence Counsel will, on your behalf, persuade the Court to exercise leniency based on the facts and the relevant law.
- h) **The Prosecution has a right to reply to the Plea in Mitigation;** the Prosecution may, if they disagree with the Plea in Mitigation, rebut the Defence Counsel's submissions.

- i) **Judge pronounces sentence;** typically, the Judge will deliver his/her decision on the appropriate sentence on the day of the Plead Guilty Mention. Though, it is not uncommon that the Judge may require more time to consider the issues and pronounce the sentence at a subsequent hearing.

To Note;- Generally, after electing to plead guilty, one cannot thereafter appeal against his/her conviction and may only appeal against his/her sentencing (exceptions apply).



For more information on the article, or if you wish to learn more about the topics discussed, please contact:-

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