



# WMH Law Corporation

*Advocates & Solicitors*

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## **Criminal Law Practice Series**

Getting charged for an offence is a difficult and painful time for anyone. We will address in this post some of the common questions our clients have in relation to their charges. Hopefully, this will help those who need it.

### **1) What happens when I am charged for an offence?**

You will be given a date by a law enforcement officer to attend court for a mention. Your charge sheet will indicate the offence which you are charged for. It will be to your advantage to look up the prescribed punishments for the offence if the same is not provided in your charge sheet.

### **2) Am I allowed to be granted bail after my arrest?**

At this juncture, you may be offered police bail before you are charged in Court.

### **3) What happens at the first mention?**

The charge will be read out to you. If the prosecution is ready to proceed with the charges, you will be asked if you intend to plead guilty or claim trial. Should you wish to engage lawyers to represent you in the matter, you could inform the Court of your intention and ask for a short adjournment, subject to the Court's approval. If that is granted, you will be given dates to attend a further mention.

### **4) Will I be able to extend my bail?**

The police bail which had been previously granted may be extended or fresh bail may be offered by the Court.

### **5) What happens when I am ready to plead guilty to the offences?**

You will be given a date to attend a Plead Guilty Mention ("PG Mention") in Court. Before the PG Mention, your lawyers may prepare a written mitigation plea and explain to the Court why a lower sentence ought to be given.

Personal mitigating factors will include but are not limited to: (a) plea of guilt; (b) good character; (c) cooperation in the investigations; (d) restitution; (e) remorse; and (f) health.

There are also specific mitigating factors which may be considered in appropriate cases. You may consult your lawyers on the mitigating factors which are the most relevant in your case.

## **6) Will I be sentenced immediately after the PG Mention?**

If the Court is ready to pass a sentence, you may be sentenced right after the PG Mention. In usual circumstances, should you be given an imprisonment term, such term will begin from the day of your sentence. Should you have any special reasons, you may request for your imprisonment term to commence on a later date, subject to the Court's approval. In such circumstances, your bail amount may be increased.

## **7) What happens if I do not wish to plead guilty?**

If you do not wish to plead guilty, you will be claiming trial to the offence. Your matter will then be transferred for a Pre-Trial Conference ("PTC") in the PTC Chambers.

Should your offence fall within the Criminal Case Disclosure Conference ("CCDC") regime, CCDC may be commenced.

We will be covering the CCDC process and the procedures at trial in our next Criminal Law Practice Series.

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