

Things to remember

Arrange for your witnesses to be at the Court. If your witnesses are not available, explain to the Court why and ask for more time.

The Prosecution may ask for another date if they are not ready. If they do so, you may object and ask for your case to be dismissed. If everyone is ready the hearing will go ahead.

Serious offences

In certain serious cases like rape, murder or manslaughter, the Magistrate will refer your case to the **High Court**.

If your case is being transferred to the High Court, you can enter your plea either in the Magistrate's Court or the High Court.

If your case is transferred to the High Court you should contact the High Court Registry in about a month's time to follow up with your matter.

You will have to regularly check with the High Court Registry and your lawyer as to the date you must go to Court.

If your case is transferred to the High Court, it will be heard before a **Judge**.

Other information

A Magistrate may refer your case to the High Court for sentencing if he/ she thinks it is serious.

A Magistrate's Court can only order a sentence of up to 5 years imprisonment for any single offence and up to a total of 10 years for more than one offence.


The High Court can order any sentence up to and including imprisonment for life.

If you have been charged with a reconcilable offence, you can consider settling with the complainant. You will be given more time to do this.


About the Public Solicitor's Office

The Public Solicitor's Office is an independent public office established under the Constitution to provide legal aid, advice and assistance to persons in need. Please ask at our offices for the circumstances and conditions of how we can assist you with your legal problems.


Honiara Office

Placemakers Building,
P.O. Box 553
Honiara, Solomon Islands.
 22348/28404/28405/28406

Auki Office

(within the precincts of the Auki
Magistrate's Court)
PO BOX Auki 44
 40008/40006

Gizo Office

(next to the Gizo Magistrate's Court)
PO BOX Gizo 84
 60682

Lata Office

 53004

Kirakira Office

 50153

Munda Office

 6204

 pubsol@psso.gov.sb

Honiara Legal Clinics Timetable

Family Legal Clinic

Tuesdays
9.00am to 12.00noon

Civil Legal Clinic

Wednesdays
2.00pm to 4.00pm

Criminal Legal Clinic

Thursdays Wednesdays
2.00pm to 4.00pm

Land Legal Clinic

Fridays
9.00am to 12.00noon

Legal Clinic for People with Disabilities, every Thursday on a fortnightly basis from 9am to 1pm. People with Disabilities Solomon Islands (PWD SI) Office, DSE Building, New China Town.



MAGISTRATE'S COURT

Information about your rights and responsibilities from the...



If you are charged with a crime then you will be required to appear before the Magistrate's Court.

This brochure will:

- Outline your rights and responsibilities when attending the Magistrate's Court.
- Explain the process of defending yourself before the Magistrate and help you to prepare for your time in court.

Legal terms explained

Legal or technical words/phrases **written in bold** in the text of this brochure are defined in this section.

- **Charge** – a formal allegation or notice that a person has committed an offence.
- **Commit an offence** – a breach of the criminal law; an illegal act.
- **Disclosures** – all the papers the police have about your case that include your interview statement, charge sheet, summary of facts, witness statements and medical or any other reports relevant to your case.
- **High Court** – the superior court where a Judge administers the law or decides cases which deals with more serious and complex matters.
- **Judge** – a judicial officer or person who administers the law and decides cases in the superior courts (High Court) which deals with more serious and complex cases.
- **Magistrate** – a judicial officer or person who administers the law or decides cases in the Magistrate's Court which mostly deals with less serious offences.
- **Magistrate's Court Registry** – a central office located near the court which deals with administrative matters relating to the Magistrate's court.
- **Plead** – a defendant's answer to a charge in a court. A person can plead guilty or not guilty.
- **Police Prosecutor** – the Police Officer responsible for the criminal proceedings against you in court.

What do I do before I appear in court

Make sure that you arrive at the Court early. Look for your name on the List at the notice board outside the **Magistrate's Court Registry**. If your name is not on the List, ask at the Magistrate's Court Registry.

Wait outside the Court for your name to be called. If your name is not called ask the **Police Prosecutor** to check your file.

If possible, seek advice from a lawyer about your case.

Ask the Prison Officers at the cellblock to call for a duty solicitor (if available) to see you or contact your lawyer if in custody.

What happens when I appear in court?

The Police Prosecutor will call your name.

The Police Prosecutor will direct you where to stand.

The **Magistrate** will read out the **charge** to you, and will ask you if you understand the charge and how you want to plead.

What happens when a charge is put to me?

You can either admit (**plead guilty**) or deny (**plead not guilty**) the charge. The choice of pleading guilty or not is yours.

If you are not sure and not ready, ask the Court to have your plea put to you another day, so you can seek legal advice and read your **disclosures**.

Ask for your disclosures. These are your caution interview statement, witness statements and any other papers the Police have regarding your case.

What happens if I plead guilty?

If you plead guilty, it means that you admit to **committing the offence**.

The Prosecutor will then read out the facts.

If you do not agree with the facts, you must tell the Court.

Your guilty plea can be changed to not guilty depending on the facts you disagree with.

If you agree with the facts then the Court can ask for the medical report (if any) and your previous **convictions** (if any).

Look at the report and previous convictions. If you do not agree with them you must tell the Court.

The Magistrate will then ask for mitigation. This is your chance to explain why you should be given a lighter sentence.*

The Magistrate will then decide what sentence to give you.

What happens if I plead not guilty?

If you are in custody, ask for bail. You should tell the

Magistrate why you should be released. **

The Prosecutor will give you some papers. These should include your disclosures.

The Prosecutor may ask for more time to give you more papers. This means that you will have to return to Court at a later date to collect more papers.

A hearing date will be set by the Magistrate.***

*See pamphlet on 'Mitigation'

** See pamphlet on 'Bail'

*** See pamphlet on 'Your Court Hearing and Disclosures'

DISCLAIMER: The information displayed on this page is provided for information purposes only and does not constitute legal advice. If you have a legal problem, you should see a lawyer.