

Sentencing

A sentence is the punishment you receive for the offence for which you have been found guilty.

After your plea in mitigation, the Magistrate/Judge will consider what you said and will then sentence you.

A Magistrate in the Magistrate's Court can order a sentence of up to 5 years imprisonment.

A Judge in the High Court can order a sentence up to and including life imprisonment.

A Magistrate can refer a case to the High Court for sentencing.

Some examples of sentences are:

- **A term of imprisonment**
(going to jail for a certain period of time).
- **A suspended sentence**
(in which case you are not taken to prison).
- **A fine** (payment of a fixed sum of money).

The sentence given will depend on what the law says about the offence you committed, how serious the offence is, and how well you persuaded the Magistrate/ Judge in your plea in mitigation.

Only the Magistrate/Judge can say exactly what sentence you will get.

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@pso.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

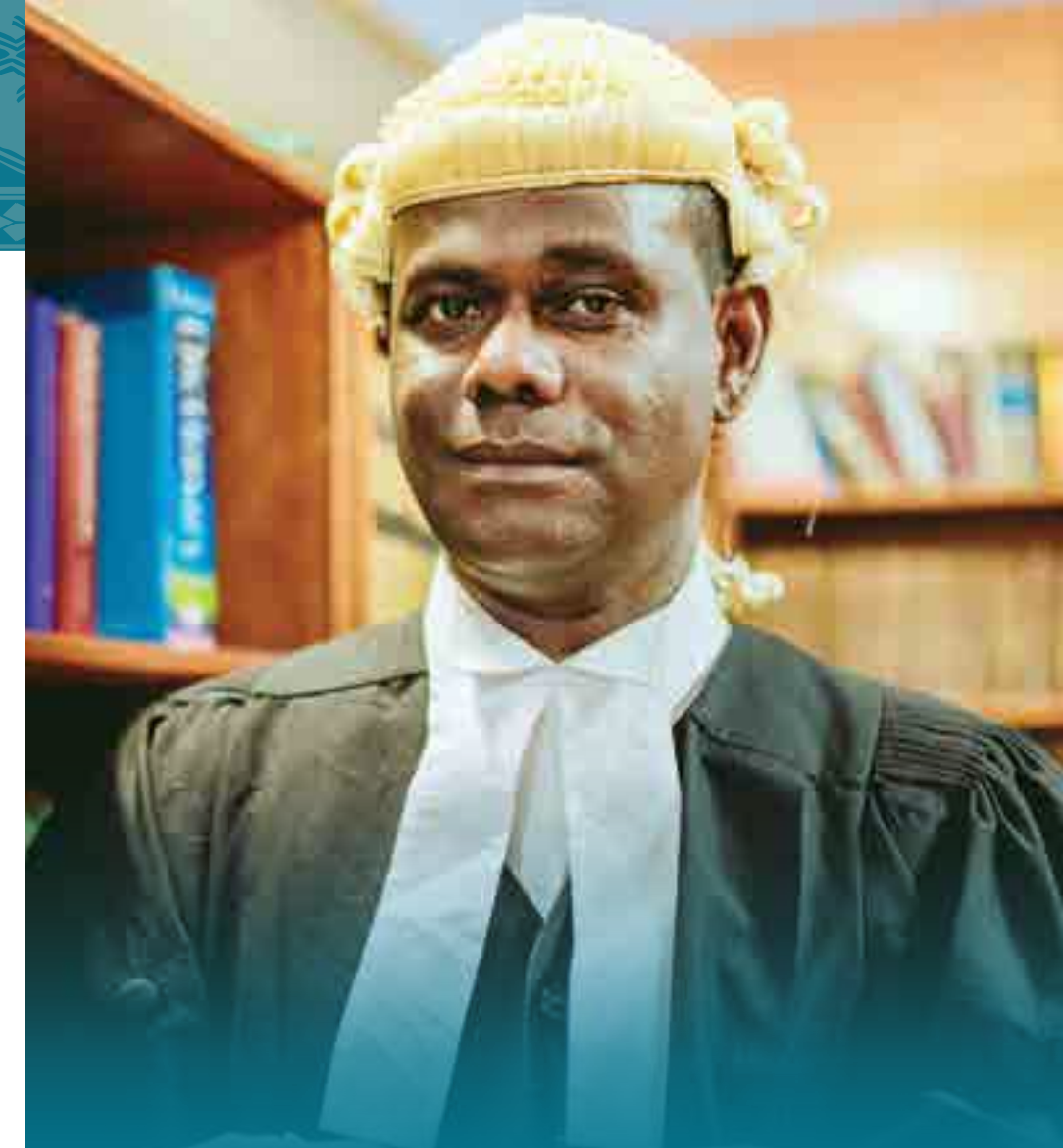
Land Legal Clinic

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 (PWDSI) Office, DSE Building, New China Town.

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MITIGATION

Information about your rights and responsibilities from the...

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Mitigation

Mitigation is a process in the legal system where you are able to reduce the severity of your punishment if you have been found to break the law.

This brochure will:

- Explain what a plea in mitigation is
- Instruct you how to make a plea in mitigation
- Explain what to say in your plea in mitigation
- Explain the different types of sentencing that you may receive.

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.
- **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.
- **Plead** – a defendant's answer to a charge in a court. A person can plead guilty or not guilty.
- **Sentence** – the punishment given to a person found guilty by a court of law required at court at a specific time and date.

A plea in mitigation

A plea in mitigation is made when you try and persuade the Magistrate or Judge to give you a light sentence.

It is your chance to give the Magistrate/ Judge reasons why you should be given a light sentence.

You do not have to make a plea in mitigation but it may help in getting you a lighter sentence.

When do I make a plea in mitigation?

If you plead guilty to a charge before a Magistrate/Judge, the facts of the case will be read. If you agree with the facts, the Magistrate/Judge will convict you and ask you to make your plea in mitigation.

If you plead not guilty and your case is heard, at the end of the hearing, if the Magistrate/ Judge finds you committed the offence, they will convict you and ask you to make your plea in mitigation.

What do I say in making my plea in mitigation?

It is a good idea to write down all the things you want to say in your plea, and refer to your notes when you speak.

You should discuss all of the following relevant factors:

- Your personal and family background, your age, your education, employment, marital status, contributions to the community, and so on.
- Your good character. For example, if you have never been in trouble with the police, or if it is your first offence.

- You can ask other people such as your parents, religious minister, employer, or friends to come to court with you and say something positive about you to the Magistrate/ Judge.
- If you pleaded guilty thereby accepting responsibility for the offence.
- If you cooperated with the police during investigations.
- Tell the Court the facts of the offence, why you **committed the offence**, how you committed the offence, and your situation before you committed the offence.
- If you are sorry for what you did you should tell the Court that you are sorry.
- If you have compensated the victim by paying for any injuries you caused or by returning any property you stole.
- If you were under any particular stress or influence of drugs or alcohol at the time of the offence.
- If you suffer from any physical or intellectual disability or are in poor health.
- Your future plans and the effect of imprisonment on you and your family. For example, if you are the only person working in your family, your wife or husband and children will suffer.
- If you are able to pay a fine, ask the Magistrate/Judge to impose a fine that you can afford to pay.
- In concluding your plea in mitigation, ask the Magistrate/ Judge not to send you to prison. Tell them to give you another chance, and tell them you will stay out of trouble.
- Discharge without punishment (if the offence is trivial).
- Paying compensation to the victim.
- Security for keeping the peace (an agreement with the court that you be of good behavior for a period of time).