

OR You may make a sworn statement (under oath). If you do this, the Prosecution will have the chance to ask you questions. A sworn statement is generally given more weight than an unsworn statement.

If you do not want to give your side of the story, you have the right to remain silent. In this case, no one will question you.

THE END OF THE CASE

When you and the Prosecution have finished calling evidence, you will be given the chance to summarise the evidence. This is called a Closing Address.

In summarizing your case, simply remind the Court of what your witnesses said. Do not give the Court any new information.

After hearing all the evidence and Closing Addresses, the Magistrate will make a finding of guilty or not guilty.

If you are found not guilty, you will be free to go.

If you are found guilty, you will be able to tell the Magistrate information about yourself to help the Court decide what the best punishment is. The Magistrate will then punish you.*

Most offenders will get a lesser sentence if they plead guilty. This is because it shows they are sorry, it saves the Court's time, and the victim does not have to go through a hearing.

However, it is your right to have a hearing if you plead not guilty and you should receive almost the same penalty either way.

* See pamphlet on 'Mitigation and Sentencing'

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.

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Your Court Hearing & Disclosures



**Information about your rights
and responsibilities from the ...**

Public Solicitor's Office



This brochure is one of a seven-part series that can help you understand the justice system.

COURT HEARING & DISCLOSURES

If you are charged by police and plead not guilty to the alleged offence then you will need to attend a court hearing.

This brochure will:

- **Explain what a hearing is.**
- **Help you prepare for your hearing**
- **Outline what will occur during your hearing.**

WHAT IS A HEARING?

A hearing takes place when you plead not guilty. By pleading not guilty you are asking the Court to hear what the Prosecution says and hear what you have to say. The Court will then decide what and who to believe.

WHAT SHOULD I DO TO PREPARE FOR THE HEARING?

If you are charged with an offence, you may ask the Police Prosecutor for the evidence they will use against you.

Read all your disclosures. These are the papers that the police or Prosecution have given you. They will include your statement, charge sheet, witness statements and any other documents the Police have relating to your case.

WHEN DO I RECEIVE MY DISCLOSURES?

Your interview statement, charge sheet and summary of facts may be given or shown to you or your lawyer when you appear in Court.

The witness statements and other papers may be given or shown to you or your lawyer after your first appearance in Court.

If the Police Prosecutor has difficulties providing you or your lawyer with any copies, you or your lawyer may tell the Magistrate and ask the Police Prosecutor in charge of your case to show you or your lawyer the disclosures in your file.

If you have a lawyer, give your disclosures to him/her. He/she will read and explain the contents to you and raise any matters of interest on your behalf.

If you do not have a lawyer:

Read your disclosures carefully.

Do not lose them and take them to Court when you appear.

Bring any witnesses or documents to Court that you want the Magistrate to see.

THE HEARING DAY

- You should dress neatly and be at Court on time.
- You may be required to take an oath. This means you are making a promise to tell the truth to the Court.
- The Court will read the charge to you again.
- The Court will ask you again if you want to plead guilty or not guilty.
- The Court will ask you and the Prosecution if you are ready to start the hearing.
- If the Prosecution is not ready, you may ask for your case to be dismissed or to proceed on that day.
- If you are not ready, ask for more time.

THE PROSECUTION CASE

The Prosecution will begin their case first. They will call their first witness and ask the witness to tell the Court what they saw, heard or know. This is called Evidence in Chief.

You will then have the chance to ask the witness questions. This is called Cross-examination.

The Prosecution can then ask the witness more questions if they need to clarify anything. This is called Re-examination.

These steps will be followed with all the Prosecution witnesses.

THE DEFENCE CASE

When the Prosecution has presented all their evidence, you will have the opportunity to present your case.

You should call any witnesses who can provide information that will help your case.

You will be able to ask them questions in Court. If they have any papers you would like the Court to see, get the witness to refer to the papers and ask the Court to accept the papers as evidence.

After you have finished asking the witness questions, the Prosecution will have the chance to cross-examine them.

You may then re-examine the witness if you want to.

Follow these steps until you have called all your witnesses and evidence.

DO I GET TO SPEAK TO THE COURT?

If you want to, you may tell the Court your version of events. If you choose to do so, remember to always tell the truth and be respectful.

If you want to tell your side of the story to the Court, you have two options:

You may make an unsworn statement (not under oath), either orally or in writing. If you do this, the Prosecution will not ask you questions.