



What happens when I plead guilty to my Magistrate's Court charge?

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If you've been charged by Police and have a court hearing date in the Magistrate's Court, you will have options to plead guilty or not guilty. It's important that you have sought legal advice and assistance prior to your first court appearance.

Prior to being charged with any crime or offence, Police will have initially spoken with you and/or formally interviewed you. Learn about your rights in relation to speaking to Police, in our previous blog ["If Police want to speak with me, do I have to answer their questions?"](#).

You can plead guilty or not guilty

If you plead not guilty, your matter will proceed to trial.

Sometimes, however, entering a plea of guilty to a charge is the best way to resolve the matters quickly and efficiently. You should always seek legal advice from a lawyer experienced in criminal law, regarding your plea options. If your lawyer advises that a plea of guilty is the best way to resolve your matter and you decide to follow that advice, you need to remember a few things to ensure your case can be finalised appropriately and you can move on with your life.

What if I'm innocent and want to plead guilty anyway?

Rarely, entering what solicitors call a "*convenience plea*" is a cost-effective way to finalise your matter in spite of not being guilty.

In some states of Australia, legal practitioners find this approach problematic and are advised to avoid assisting defendants wishing to make a guilty plea whilst having told their lawyer they are in fact innocent. In Queensland, a "convenience" guilty plea is possible, with our Court of Appeal saying:

"Experience shows that some people charged with serious offences ...wish both to maintain to their lawyers that they are actually innocent and also to plead guilty.

In those circumstances, it is imperative that these lawyers ensure that no plea be taken until (written) instructions have been obtained in which the person charged describes a wish or willingness to plead guilty, and an understanding that by so doing, he or she will be admitting guilt.

If those instructions are obtained and adhered to a lawyer may properly appear on the plea."

Why do some people plead guilty when they say they are innocent?

Sometimes, people may not be able to afford to defend the charges. If you find yourself in this situation, you should consider seeking Legal Aid.

Some people feel that the evidence is too strong to argue against or they simply don't wish to bring any more publicity or attention to the matter.

Very careful consideration is called for when thinking about a "convenience plea"; both on the part of the solicitor and the client in the case.

You need to carefully consider the implications of a guilty plea when you say you are not guilty:

1. Your potential punishment which could have significant implications on you and your family;
2. Your previous criminal record and the fact that you face the possibility of having a criminal record after pleading guilty;
3. The potential loss of employment; and
4. Any financial burden a guilty plea could have on you etc.

Will a guilty plea reduce my penalty or sentence?

Some Australian states have made it part of their state-based law that entering an early plea of guilty will also mean that the court sentencing you might give you a discount on the penalty they impose. For example, in South Australia, the law says that you may receive up to a 40% reduction in your sentence for an early guilty plea;

"not more than 4 weeks after the defendant's first court appearance in relation to the relevant offence or offences, the sentencing court may reduce the sentence that it would otherwise have imposed by up to 40%"

In Queensland, the *Penalties and Sentencing Act* sets out that a plea of guilty should be taken into account when imposing a sentence. Where a guilty plea has been entered, there are variations of how much discount can be given for a "timely" or 'early'

plea of guilty. The safest estimate is somewhere between 10% and 25% discount.

It is, however, important to remember that Queensland courts have made it very clear that working out how to punish you is not a 'mathematical' process and the discount will depend on several other factors. This could include the way the Magistrate or Judge chooses to look at the matter as a whole.

It goes without saying that in admitting your guilt (particularly if you are in fact, guilty of the offences you are charged with), showing remorse and taking your punishment as a responsible member of society might be reasons that could result in a more lenient sentence. This is opposed to pleading not guilty, putting the Police and the court to the time and expense of a trial and being found guilty anyway.

In Summary

- Remember, you have a ["right to silence"](#)
- Get legal advice and representation as soon as possible
- A guilty plea is an admission of guilt
- Sometimes, you might think about pleading guilty for reasons other than being guilty
- If you're going to plead guilty for any reason, do it early

If you're facing charges that you need to enter a plea for and you need legal advice or assistance, please [get in touch with us](#).

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