

# Written Notice of Pleading

Criminal Procedure Act 1986 (section 182)

## Important (please read this before filling in the form)

Complete this form only if you want to lodge a plea in writing instead of attending Court on the day the proceeding(s) is listed.

If you complete this form it must be sent to the Court where the proceeding(s) is issued. The Court house location is on the Court Attendance Notice.

## Filling in this form

You should get legal advice about this form before you fill it in. Legal advice is important because you need to know if you can use this form and, if so, what effect it has.

**This form cannot be used if you have signed a bail agreement to appear at court.**

## When the Court must get this form

You must make sure that the Court receives this form before the date of the court hearing shown in the attendance notice.

## Part 1 Details about your court case

Please either attach to this form a copy of your attendance notice **or** fill in the details below using the information on the attendance notice:

Name of Defendant (your name): **Radha Das**

Offence: **Traveling without a valid ticket**

Place of Court Hearing (name and address of Court): **Parramatta Local Court, 12 George Street, Parramatta NSW 2150**

Date of Court Hearing: **16 June 20XX**

## Part 2 Pleading not guilty

~~About pleading **Not Guilty**:~~

~~Pleading not guilty means that you disagree with the facts alleged by the prosecution, saying that they did not occur or that the evidence of the alleged offence to be presented by the prosecution is insufficient to allow the allegation to be proved against you.~~

~~It is often the case that you merely wish to explain **WHY** the alleged events occurred and for the court to take those reasons into account. In this situation you may seek legal advice as to how to plead or consider pleading guilty and asking the court to take into account the explanation offered. (See "About pleading Guilty" below)~~

~~If you elect to plead **Not Guilty**, the prosecution will be obliged to call their witnesses to give evidence to the alleged events at a trial, which will take place~~

~~on a later date. You will be required to attend on that later date when you will have the opportunity to give your evidence, ask questions of the prosecution witnesses and any witnesses that you have elected to attend court, to evidence in your defence as to the events that lead to the alleged offence.~~

~~Should your defence be successful, the offence may be dismissed. Should your defence be unsuccessful the court may find the case proven against you, and in addition to any penalty that may be imposed you may also be exposed to pay the expenses of the prosecution witnesses.~~

~~Please complete this Part if you want to plead **not guilty** to the offence listed in the attendance notice:~~

~~My name is: \_\_\_\_\_~~

~~-~~

~~My address is: \_\_\_\_\_~~

~~**If you wish to be notified by email please tick the box below and provide your email address.**~~

~~My email address is: \_\_\_\_\_~~

~~I agree to the court notifying me of the result of this notice of pleading via email. I understand that if I do so, I will not receive notification by post.~~

~~I agree that I am the person named as the Defendant in the attendance notice that was served on me for this offence:~~

- ~~a) I want to plead not guilty to that offence.~~
- ~~b) I ask the court to list this matter for hearing on a later date.~~
- ~~c) I will bring this number \_\_\_\_\_ of witnesses to the Court Hearing on that later date.~~
- ~~d) I cannot be at Court on these dates during the next three months: \_\_\_\_\_~~
- ~~e) If the Court needs to speak to me, I may be contacted by telephone on this number: \_\_\_\_\_~~

~~(Only one of the next two statements applies to you. Please cross out the one that does not apply.)~~

- ~~a) The name of the solicitor or barrister representing me at the court hearing is: \_\_\_\_\_~~
- ~~b) I will not have a legal representative at the court hearing.~~

### **Part 3 Pleading guilty**

About Pleading **Guilty**

Pleading guilty to the offence means that you agree with the facts alleged by the prosecution. You may complete this section and elect to have this matter dealt with in your absence. Your plea of guilty may be rejected by the court if the explanation you have provided indicates that you disagree with the prosecution facts as presented. If the court rejects your plea of guilty, or does not wish to determine the case in your absence, the court may adjourn the case and you will be required to attend personally before the Court on the next occasion.

Please complete this Part if you want to plead **guilty** to the offence listed in the attendance notice:

My name is: **Radha Das**

My address is: **45 Mock Street, Harris Park NSW 2150**

**If you wish to be notified by email please tick the box below and provide your email address.**

My email address is: **radhadas@fmail.com.au**

- I agree to the court notifying me of the result of this notice of pleading via email. I understand that if I do so, I will not receive notification by post.

I agree that I am the person named as the Defendant in the attendance notice that was served on me for this offence:

- a) I want to plead guilty to that offence.
- b) I do not want to go to Court to plead guilty. Instead, I ask the Court to decide this matter without me.
- c) If the Court needs to speak to me, I may be contacted by telephone on this number: **04XX XXX XXX**
- d) I ask the Court to take the following matters into account when deciding my punishment:

(You should explain how and why the offence happened and give some information about yourself, your financial situation, personal circumstances and general character)

**See attached page**

(If you run out of space, please finish your answer on a separate piece of paper, sign it and attach it to this form)

#### **Part 4 Signing this form**

Defendant's signature (you sign here): **Radha J. Das** Date: **4 June 20XX**

**I ask the Court to take the following matters into account when deciding my punishment:**

**On 26 February 20XX, I was traveling home from TAFE. I took the 5.14pm western line train from Central Station to Harris Park Station, as I do every day. I arrived at Harris Park at about 5:44pm. When I was about to go through the gates to leave the station, I looked in my bag for my ticket. I was emptying my bag when the Transit Officers approached me. The first officer asked me for my ticket. I explained to him that I couldn't find it but I had purchased one on Monday morning as I do every week. The second officer said it was an offence to travel on the train without a ticket. I tried to explain that I had bought a ticket and that I would never travel without a ticket.**

**The transit officers said there was nothing they could do and issued me with a fine for \$200.00 for "Traveling without a valid ticket".**

**I am currently doing a Diploma of Hospitality Management at Ultimo TAFE. I am in my 2nd year, and have one more year to go.**

**I am not currently working and am receiving Youth Allowance. I receive \$388.70 per fortnight. From this money I pay \$37.00 per fortnight for my train ticket, \$160.00 per fortnight in rent and \$49.00 for my prepaid mobile. I am left with approximately \$141.00 for food, my bills and spending. I do not have any assets. My liabilities include: rent, TAFE fees and credit card with a balance of approximately \$500.00.**

**I have never been in trouble with the police or any transit officers, and I have never been to court.**

**I have been involved with a local youth group in my area for about 2 years. We take part in fundraisers and every Easter and Christmas we help out at a homeless shelter by serving food.**

**I do not know what happened to my ticket and I accept that I am in the wrong. I would never have intentionally traveled without a valid ticket.**

**I ask that the court consider the circumstances of the offence, my financial situation and my clear record and show leniency by waiving the fine.**

**Please also see the attached character reference from my teacher, Oliver Mills.**