



Magistrates Court of Western Australia Criminal Jurisdiction

Fact Sheet 51 – Written plea by accused

This fact sheet explains how you can lodge a written plea with the court

What is a written plea by accused?

A written plea (also known as an endorsed plea) can be lodged for simple offences in the Magistrates Court where the accused has received a prosecution notice together with a court hearing notice.

An accused can plead guilty or not guilty to charges prior to the court hearing and can provide additional information for the Magistrate to consider when dealing with the charges.

- You cannot use a Written Plea if you are on bail for the offence or have been issued a Summons to Attend. You are required to attend court personally.
- Not attending court when you have received a summons or have been placed on bail can result in a warrant for your arrest.

Pleading to a charge?

Before you go to court you should decide how you want to plead to the charge. There are many factors that need to be considered before pleading, you may wish to consider obtaining legal advice before entering a plea of guilty or not guilty.

Plea of guilty

Pleading guilty to a charge in the prosecution notice means you admit the charge.

If you record a plea of guilty, you do not need to attend the hearing date shown on the court hearing notice unless you want to advise the court of additional information. If the court receives your written plea on time it can deal with the charge(s) at the hearing date shown on the Court Hearing Notice.

In some instances, the court may require you to attend personally for sentencing and may issue a summons or warrant to bring you to court.

Plea of not guilty

Pleading not guilty to a charge in the prosecution notice means you **do not** admit the charge.

If you record a plea of not guilty you do not need to attend the hearing.

When the court receives your not guilty plea you will be sent a notice of hearing for a future trial date where the court will hear evidence from you and/or your witnesses.

It is important to note the court may deal with the charge(s) in your absence if you do not attend the trial date.

How to complete a written plea by accused

A written plea is optional and is not compulsory where the accused is an individual.

A written plea can be lodged by the accused or a legal practitioner on the accused's behalf.

Where the accused is a corporation, a written plea can be lodged by a representative appointed under section 152 of the Criminal Procedure Act 2004 or a legal practitioner on the accused's behalf.

If you use the Written Plea by Accused served on you, you will need to complete the following information:

- Date of the Prosecution Notice
- Hearing Date
- Tick Plea Box - whether you plead guilty or not guilty to charges. If you plead guilty to some charges and not guilty to others you must clearly write the charge numbers, you plead guilty and not guilty too.
- Tick Attendance at Court Box
- Add any additional information the Court take into consideration.
- Add contact details including – Contact number, Residential address if different from the address in the Accused Details.
- If you have a lawyer write the lawyers details
- Accused to sign and date plea

After you have completed the form you should;

- take it to the court personally
- send it by post (minimum 5 days before court date) or email direct to the court registry where your matter will be heard.

If you choose to attend the court hearing and you will need an interpreter in court, please contact the court registry where your charge(s) will be heard.

Can the Court reject my plea?

The court may reject your written plea if you have not provided enough information or if the magistrate requires you to be there for sentencing.

You will be notified if your plea is rejected, or if you are required to attend personally before the court.

What happens once my plea is lodged?

Once your plea is processed the court will notify the prosecuting authority of your intended plea. The plea will be considered by the Magistrate on the day of the hearing.

Can I change my plea?

If you have not yet been sentenced, in certain circumstances you may be able to change your plea, however if you have already entered a guilty plea and you want to change this to not guilty, you should obtain legal advice.

Where to get help

Magistrates Court of Western Australia

For more information about Courts Processes and Procedures

Website: <https://www.magistratescourt.wa.gov.au/>

Aboriginal Legal Services

Free information about the law and how we can help you.

Tel: 1800 019 900

Website: <https://www.als.org.au/>

Legal Aid

Free information about the law and how we can help you.

Tel: 1300 650 579, Monday to Friday, excluding

public holidays

Website: <https://www.legalaid.wa.gov.au/>

This is a guide only. The content is subject to change.

If you are unsure about any of the information in this fact sheet, contact your nearest registry or seek legal advice.