

DOMESTIC VIOLENCE INFORMATION SHEET



NSW Police Force

DV Charges - Defendants:

Before Court:

If you have been charged with a domestic violence offence you would have been served with an AVO unless there is already one in force. The AVO and any charges will be heard at court together.

It is important that you:

- go to court on the date indicated on your charge papers
- read the charges and the fact sheet that police gave you
- listen to the DVEC disc (white disc) if one has been served on you
- read any statements that police served on you - this is called a 'mini brief'

What will happen at Court?

On the first day you go to court you will be asked if you plead 'guilty' or 'not guilty' to the offence/s you have been charged with. If you are not sure what to do, you should get legal advice before you go to court.

What happens if I plead guilty?

The prosecutor will give the fact sheet, your criminal record (if you have one) and any other documents such as photographs to the Magistrate. The Magistrate will read the documents. You will get a chance to also give the Magistrate any documents such as character references and to answer the Magistrate's questions about yourself and what you say happened.

The Magistrate will use this information to decide on what penalty they will give you.

What happens if I plead not guilty?

The court will set a hearing date and adjourn your charges and the AVO to that date. If further evidence is obtained, the police must serve it on you at least 14 days before the hearing date. If you have been granted bail it will be continued to the hearing date. If you have any witnesses you will need to subpoena them to attend court on the hearing date to give evidence.

What happens at the hearing?

Police have to prove the offences they have charged you with 'beyond a reasonable doubt'. All witnesses will give evidence (this includes the DVEC video) and other evidence such as photos will be given to the court. The court will then make a decision.

Not guilty = your case is dismissed

Guilty = you will be sentenced. This means you may get a criminal record.

Will a final AVO be made against me?

The law says if you are found guilty (including if you plead guilty) – the court must make a final AVO. If you are found not guilty of the charge the court may still make an AVO as the test for making an AVO is a lower threshold.

Where can I get further information?

LawAccess: Ph 1300 888 529 or lawaccess.nsw.gov.au