

We have specialist solicitors for each area of law in which you might require assistance including:

- Car Accident Injury Claims
- Commercial Litigation
- Criminal Law
- Employment Law (Unfair Dismissal & Underpayment Claims)
- Equal Opportunity / Discrimination Claims
- Estate Disputes & Inheritance Claims
- Family Law
- Migration Law
- Personal Injury / Public Liability Claims
- Probate & Letters of Administration
- Traffic Charges
- Victims of Crime Claims
- Wills / Powers of Attorney & Advance Care Directives
- Workers Compensation



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CRIMINAL LAW



Established in South Australia, our professional, friendly and supportive team is committed to providing you with the highest standards of service.

Our goal is to relieve the stress of your situation by providing sound advice and professional legal assistance.

To this end our Service Charter is based on six fundamental principles:



Respect

We work for you and acknowledge that as our client you deserve our attention and respect at all times.



Quality Service

We listen to your needs and ensure that you are fully informed and properly advised at all key stages.



Professionalism

We have the experience, competence and skill necessary to provide the legal service you need.



Knowledge

Through continuous and ongoing research and training we are up to date on all aspects of our areas of speciality.



Honesty & Integrity

At all times we will be open and honest and follow through on our commitments to you.



Best Outcomes

We work hard to achieve the best outcome for you in the circumstances of your case.

We look after our clients and build a relationship of trust so that they are confident to come back whenever they need a lawyer.

What is a Criminal Law?

A crime is a legal wrong punishable by the State and can involve an act in violation of the public law, or a failure to do something that the law requires. Laws are made by Parliament, but they are enforced by the police. If you are charged with an offence then things like the Court in which it will be heard, how the charge will proceed and who will prosecute the case will be determined by the type of offence.

A charge is commenced in court when the prosecuting authority files a document (called either a Complaint or Information depending upon the type of offence) that states the particular law that has been broken along with details of how it is claimed this occurred. A person is usually brought to court by a summons that tells them what the charge is and where and when they are required to appear. If they have been arrested then a summons is not issued and they are either taken directly to court or released on a bail agreement that includes the details of when and where they have to attend court.



Types of offences

There are three classifications of Criminal Offences: Summary, Minor Indictable and Major Indictable. Summary Charges are charged on a Complaint and Indictable Charges are charged on Information.

The Magistrates Court has the power to hear Summary and Minor Indictable charges. These vary from drink driving to assaults and “street crime” such as disorderly behaviour.

There are time limits to commence proceedings for a Summary offence and it is important to check whether the charge has been laid within time.

Major Indictable cases are heard in the District or Supreme Court. Before this occurs there will be a preliminary hearing in the Magistrates Court to ensure that there is sufficient evidence to proceed with the case in that higher court.

Sexual Offences, Drug and Firearm Offences and Organised Crime charges are some examples of Major Indictable crimes.

Criminal Proceedings

Once charged a person may choose to plead Guilty or Not Guilty to the offence.

If you plead guilty to a charge the prosecutor will tell the court how they allege you committed the offence. You then have the opportunity to say whether you agree with those facts and to provide information to the court about your personal circumstances and why you committed the offence.

A criminal lawyer will help you by gathering and presenting to the court any information that is relevant to the question of what penalty is appropriate. This can include obtaining character references or specialist reports about such things as your health or psychological state at the time.



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If you plead Not Guilty then the case will proceed to trial, however before that there are other stages depending on whether the trial will be in the Magistrates, District or Supreme Court.

In the Magistrates Court there will usually be a Pre-Trial Conference. The purpose of this conference is:

- To explore whether there is any way of resolving the case without going to trial such as agreeing to a different (perhaps less serious) charge.
- To identify whether there is any evidence that can be agreed so that it doesn't have to be proved at trial.
- To make sure that both parties have completed all investigations such as obtaining statements from witnesses and will be ready to proceed on the trial date.

When do I need a lawyer?

Even before you are formally charged with an offence there are good reasons to obtain a criminal lawyer as soon as you become aware that this might happen.

- A lawyer can provide advice on issues such as whether to participate in a police interview or any requirement to submit to a DNA forensic procedure.
- Early investigation into potential alibi evidence, or gathering evidence such as CCTV Footage, witness statements and the like can substantially assist in the defence of any case.
- Even where a person intends to plead guilty a lawyer can negotiate regarding the appropriate charge before the criminal proceedings are started.
- Where the person is arrested, assistance might be required on an application for bail or to vary the terms of a bail agreement.

Do I need a lawyer if I'm pleading guilty?

Penalties for criminal charges can vary greatly depending on the individual case and can include a fine, conviction and imprisonment. It is vital that all relevant material is put forward on your behalf in order to achieve the best outcome for you.

Any criminal charge is serious because a criminal conviction is something that can affect you well into the future when applying for a job, undertaking voluntary work, obtaining insurance or applying for various kinds of licences. A criminal conviction can also preclude you from travelling to other countries or applying for a visa.



Assistance Websters Lawyers can provide

Being charged with a Criminal Offence is scary and overwhelming for most.

Websters Lawyers can provide you with competent step by step advice and skilled representation whether you admit or deny the alleged offending. We are able to provide advice regarding the strength of the Prosecution case and available defences to criminal charges.

We will keep you well informed and work with you to ensure the best possible outcome for your case.



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