

# Are You Facing Charges Of Malicious Damage In A Sydney Court House?

If you are facing charges of malicious damage in a Sydney court house, there are a few basics that you need to know before you go to court.

Firstly, malicious damage can be done even without a specific intent to be 'malicious' – your actions may classify if you were acting recklessly.

Malicious damage is different to accidental damage, because you must have either had an intent to damage or destroy someone else's property, or because you were reckless about whether or not your actions may result in damage or destruction of someone else's property.

The elements of malicious damage are:

- Damage caused to property
- The property belonged, at least in part, to someone else
- That you intended to cause the damage or reckless to the possibility that your actions would cause damage

Police must be able to prove all three of these things in order for you to be convicted.

According to the [NSW Crimes Act](#), a person who intentionally or recklessly causes damage to another persons property or destroys property belonging to another person is liable to five years imprisonment, or if the destruction or damaged was caused by fire or explosives this increases to 10 years.

Doing either of the above adds an extra year to the maximum penalty, and anyone who does either during a public disorder adds two extra years. If the damage caused to property was

less than \$5,000, the maximum penalty is 12 months in jail, and a fine of \$5,500 – or \$2,200 if the property is worth less than \$2000.

However if your case is held in the Local court instead of the District court, you are not exposed to the maximum penalty of five years.

If the damage caused was over \$5,000, it can still be dealt with at the Local court level, but the penalties are higher: a maximum of two years in jail and a \$11,000 fine.

It is actually one of the [most common property offences](#) in NSW. Most people who commit malicious damage to property do not go to jail. The most common penalty is a fine.

Apart from these penalties set out in the statutory provisions about malicious damage, the court may also impose other alternatives such as community service, a suspended sentence or an intensive correction order.

[Sydney court houses](#) hear many cases for malicious damage. It is the most commonly reported criminal offence in NSW. In 2011, almost 87,000 incidents were reported.

If you are facing charges of malicious damage in a Sydney court house and are planning on pleading guilty, you might want to consider a few steps you could take to minimise your sentence.

Writing an apology note to the court may have favourable results on the outcome of your case and the judge will consider this when deciding your ultimate sentence. Let the court know you take full responsibility for your own actions and have learnt your lesson.

The same goes for bringing along some character references – people who know you well and can vouch for your good behaviour. It is important that the people who write your

character references know beforehand that you have been charged with and intend on pleading guilty to malicious damage.

Finally, plead guilty early – the earlier you plead guilty the more time and money this saves the court system, making it more efficient. As a result, you may even receive a reduced sentence or perhaps even a [section 10 dismissal](#) or [conditional release order](#), which means that you won't end up with a criminal conviction.

If you plan on pleading not guilty, it may be best to talk to a lawyer. An experienced criminal lawyer will be able to point out your options, and the best ways of challenging the prosecution case.