

Court Justice, 9: Self-Represented Defendants

In the latest episode of Court Justice, Sydney, a young driver, a homeless man and a pensioner represented themselves in court.

“Self-representation is an important part of the justice system,” says Chief Magistrate, [Judge Graeme Henson](#). “And it is the court’s role to make sure that someone who [represents themselves in court](#) gets exactly the same consideration as someone who has a lawyer.”

Almost half of all defendants who come before the local courts in NSW represent themselves.

[People choose to do this for a range of reasons](#) – some find themselves in the ‘justice gap, where they can’t afford a lawyer but are not eligible for legal aid. Others feel they can do a good job without a lawyer, and still others just want to the experience of going it alone.

The young driver

In the first case, 19-year old barista, Deborah Sheedy elected to go to court in order to dispute a \$1200 fine issued by police for driving an unregistered and uninsured motor vehicle.

Ms Sheedy pleaded guilty to the offence of unregistered driving and not guilty to driving without insurance.

Magistrate Milledge then talked her through what would occur during the hearing, explaining that the police officer who pulled her over would give evidence, and that Ms Sheedy could then take the witness stand if she wished to do so.

After police provided their version of the events, Ms Sheedy

took the witness stand.

She testified that the car was owned by her sister, and that when she got in to drive it, she believed it was both registered and insured.

She said she had evidence that the car insurance was paid, but when she produced the paperwork, there was no receipt. Without a receipt, the court could not accept her assertion regarding the payment. Fortunately for Ms Sheedy, her mother was in court and produced a receipt.

But there remained a problem – car insurance is not valid if a car is not registered.

The Magistrate believed that Ms Sheedy made an honest mistake regarding the state of the insurance, but found that the mistake was not reasonable as required by the law.

Her Honour found the insurance offence proved, but disposed of both charges under [section 10\(1\)\(a\) of the Crimes \(Sentencing Procedure\) Act](#) – which means there was no conviction and no fine.

The homeless man

The second case involved 53-year old Gary Reid, who represented himself before Magistrate Megan Greenwood.

Mr Reid was charged with unlawful possession of goods – a Mastercard, Visa card, two Woolworths cards and driver licence, which did not belong to him.

Police alleged the cards were unlawfully obtained, but when Mr Reid took the stand, the story became more complex.

He testified that he found the driver licence and did not take it to police immediately because he wanted to get to work – which was relying on the goodwill of members of the public in his preferred spot on the streets of Sydney.

He said the Mastercard, Visa card and Woolworths voucher were all dropped into his begging hat sequentially, and within minutes of each other on the same day.

He also testified that the person who gave him the Woolworths Card “could have been the CEO of Woolworths, I don’t know.”

Magistrate Greenwood found him guilty and fined him \$550.

Her Honour found that his version of events was “not believable” and did not accept it.

She also found there was a “clear” and “reasonable suspicion” that the cards were unlawfully obtained.

Mr Reid has a history of [drug offences](#) and the Magistrate cautioned that if he is caught on the wrong side of the law again, he could go to prison.

The pensioner

The third case involved 83-year old grandmother Valerie Harris, who fought a \$531 fine for [failing to display a disabled parking permit](#).

Having failed to appear in court the first time, she was found guilty in her absence. She appeared before Magistrate Greg Grogan and pleaded guilty to the offence, with an explanation.

Ms Harris told the court that she did not attend her first court date because she was in hospital.

She explained that her disabled parking permit was attached to her windscreen when she left her car, but it had fallen off and onto the car seat.

Given her “unblemished driving record since 1972”, the Magistrate accepted her story. He found the offence proven, but dismissed the charge under a [section 10 dismissal](#) or [conditional release order](#).

“this was a big thing to do on my own,” Ms Harris stated. “But I have a clean driving record, and I’d like to keep it. Until the day I die.”

Magistrate Chris O’Brien says members of the judiciary need to be patient with [those who represent themselves in court](#), adding that unrepresented defendants often become frustrated because they don’t understand the processes and the formalities of the courtroom.