

Should I Plead Guilty by Sending a Written Notice of Pleading?

If you have been charged with a criminal offence or are due to appear at [Downing Centre Local Court](#), it is important that you attend court on your specified court date.

Failing to turn up to court at the scheduled time can potentially lead to the case being decided in your absence, or even a warrant being issued for your arrest.

If you are going to be away, you may consider entering a guilty plea in writing by filling out a [written notice of pleading](#) that is on the reverse side of the small, yellow Court Attendance Notice issued to you by police, or obtainable from the [Local Court website](#).

However, taking this course of action can have adverse consequences.

Dangers of sending a written notice of pleading

Filing a written notice of pleading means that you won't be present at the time of your court date to present the 'mitigating circumstances' of your case, which means the facts about the incident which make it less serious, personal information about you and the impact of a harsh penalty.

Not attending can also make it harder for the magistrate to accept that you have taken responsibility for the offence, are genuinely remorseful and unlikely to reoffend.

Police will often tell defendants to write a written notice in order to get a matter 'over and done with', but what they will often neglect to explain is that it is well within the Magistrate's power to adjourn your case and require you to

attend regardless of the notice, and perhaps more importantly that you are less likely to receive a 'non conviction order' such as a [section 10 dismissal](#) or [conditional release order \(without conviction\)](#) if you do not attend.

In fact, you will not be eligible for a conditional release order if you do not attend court, because there is a requirement that you must formally accept the bond that invariably comes with such an order, either in the courtroom or by signing it at the court office.

This is a very good reason why it is in your interest to show up to court rather than send a written notice.

And of course, having a good lawyer to help you prepare for your case and present it the right way in court can assist you to get the best result – showing the Magistrate that you have taken the situation seriously, accepted responsibility, shown remorse and are unlikely to re-offend.