

FAQs about Downing Centre Court

The Downing Centre is NSW's busiest courthouse, a bustling metropolis of local and district courtrooms, news crews and reporters trying to get a story from prosecutors, and a wide range of criminal justice services.

Our firm is located just across the road from the Downing Centre, and we represent clients in the courthouse just about every day.

Here are the answers to some of the most frequently asked questions by those who are going to Downing Centre Court.

1. Will I Have to Talk in Court?

Going to court can be extremely stressful, and the thought of having to answer questions by a magistrate or judge in front of a packed courtroom when your future is at stake can send shivers down many a spine.

If you have a lawyer, their job is to do the talking for you.

If you are pleading guilty and being sentenced in the local court, you will normally be asked to stand up at the start of the proceedings so the magistrate can identify you, then again at the end when he or she is imposing the penalty. The lawyer will do all the talking, submitting the factors in your favour and attempting to persuade the magistrate to impose the most lenient penalty possible. The magistrate may ask you a question or two at the end, but you will normally only need to say 'Yes, Your Honour' or 'No, Your Honour'.

If you are pleading not guilty and your case reaches a 'defended hearing' in the local court – which is when the witnesses attend court, are asked questions, and the

magistrate decides your guilt or innocence. The prosecution witnesses will go first, and you cannot be forced to take the witness stand and testify. However, it may be in your interests to do so – especially if the evidence given by the prosecution witnesses is strong.

The same applies in the district court; but some district court judges will look more favourably on those who take the stand and 'give evidence' (testify) during their sentencing proceedings. In either case, your lawyer will prepare you for court and inform you about the questions you are likely to be asked.

2. What Are My Chances?

Clients will often want to know the result in their cases in advance; and why wouldn't they?

Although it is completely understandable to want to know the result, it is impossible to guarantee what any magistrate, judge or jury will decide in any particular case.

Experienced lawyers will advise on likely outcome, but should never give any guarantee.

In fact, if a lawyer says they can guarantee a particular result, our advice is to run as they are probably just after your money and will make excuses if there is an unfavourable outcome.

3. Will Other People be in the Courtroom?

Many people assume they will be the only one in the courtroom apart from the magistrate, prosecutor and their lawyer (if they have one), but this is hardly ever the case.

People are usually walking in and out of courtrooms all the time. Magistrates often have dozens of cases to get through each day, and courtrooms are usually full of people. Indeed, anyone is allowed to come and watch court proceedings – unless

it is a 'closed court'; for example, if a child is testifying or the case is otherwise of a particularly sensitive nature.

That said, experienced lawyers will often employ techniques to ensure that as few people as possible will be in attendance when their client's case is heard; especially if the allegations may be especially damaging.

4. Will My Case Be Publicised?

This question is sometimes asked outside the [Downing Centre](#) – when clients see camera crews hovering around the entry.

The media is usually there to film and attempt to interview high profile defendants, or those whose 'newsworthy' cases have been leaked to the media by police or court prosecutors.

Unless your case falls into one of these categories, it is unlikely to make the media – and we are of the view that it is a breach of a lawyer's fiduciary duty to a client to ever leak such information to anyone; although not all lawyers share this view.

5. I Want to Plead Guilty but Don't Agree with Everything in the Police Papers. What Should I do?

A good criminal defence lawyer will often be able to have the police allegations amended so they accord more closely with the client's instructions.

Alternatively, you can enter a plea of guilty and the case can be set down for a 'disputed fact hearing' – where witnesses are asked questions and the facts of the case are determined by the magistrate.

6. Will a Parking or Speeding Ticket Breach my Good Behaviour Bond?

The answer to this question is generally no.

However, like many areas of criminal law there are exceptions. One of these is when a magistrate imposes a condition on your bond that you are not to have any 'moving traffic violations'. This is sometimes called a '[good behaviour licence](#)' and can be imposed in drink driving cases as a condition of a 'section 10 bond' (now [conditional release order](#) without conviction); which is a good behaviour bond without a criminal conviction, licence disqualification or fine.

Another exception is speeding by over 45km/h where police elect to take the matter to court rather than issue an infringement notice.

A parking fine will never breach a good behaviour bond.

7. Does a Fine Come with a Criminal Record?

A court-imposed fine in a criminal case comes with a criminal record.

The only way to avoid a criminal record if you are guilty of a crime is to achieve a '[section 10 dismissal](#) or [conditional release order](#)' – which means no criminal conviction, no fine and – in traffic cases – no licence disqualification.

Unlike in Queensland, defendants in NSW criminal cases cannot get both a fine and a non conviction order – it must be one or the other.

If you are going to court a have questions about court procedure and the likely outcome, it is a good idea to contact a specialist criminal defence firm for a [free first conference](#) and get the information you're after, even if you ultimately intend to [represent yourself in court](#).