

# My Case is in Court for a What...? Common Listings in Criminal Cases

The Downing Centre Court Complex has six levels of courtrooms, housing both Local and District courts.

The [Downing Centre court list](#) contains a many dozen names each day for a variety of different types of court proceedings.

If you're not sure of the difference between a trial and a hearing, or what happens at a committal, this blog will answer all these questions. Whether you are representing yourself in court, or simply want to know a bit more about what goes on inside the courtroom, read on to have the different types of court appearances explained.

## **Annulment application**

If your court case is heard in your absence and you did not attend, you may be able to appeal the decision by lodging what is known as a [section 4 annulment application](#). You have two years after the conviction or sentence was imposed to make this application, and you will need to show good reasons why you didn't attend in the first place.

## **Appeal**

There are different types of appeals, the two most common of which are:

1. Severity appeals, which are appeals on the basis that the penalty was too harsh, and
2. Conviction appeals, which are appeals against being found guilty

You normally have [28 days to appeal a decision](#) from the Local

court to the District, or three months if you have a good reason for the delay.

### **Bail Application / Release Application**

If you are refused bail at the police station, the next step will be for police to bring you before a Magistrate who will decide to release you on 'bail'. Bail is a promise to attend court, and may come with or without conditions. An application to be released on bail used to be called a bail application, but is now called a release application.

### **Committal Hearing**

Criminal cases start in the Local court, but more serious charges can progress to a higher court, such as the District or Supreme Court. A committal hearing is a Local Court proceeding to decide whether there is enough evidence for a case to go to a higher court, or whether the charges should be dismissed.

### **Defended Hearing**

A defended hearing is Local Court proceeding to determine your guilt or innocence. Witnesses will normally take the stand and answer questions from the prosecution and defence. The magistrate will then decide whether or not you are guilty.

### **Mention**

A mention refers to any short court appearance, typically lasting no more than a few minutes. It can involve asking for an adjournment (ie for the case to go to another day), simply entering a plea of guilty, or indicating a plea of not guilty and asking the magistrate to order the prosecution to provide you with all of the materials they are relying upon, which is called the 'brief of evidence'.

### **Reply to Brief**

If you plead not guilty, the magistrate will normally order police to serve the brief of evidence within a certain timeframe, usually 4 or 5 weeks. At the same time, the magistrate will relist the case for another mention in order for you to go through that material and either confirm your plea of not guilty, or change it to guilty. That court date is called reply to brief.

## **Section 32 Application**

A section 32 application is where you asked the magistrate to dismiss (throw out) the charges because you are suffering from a mental condition, and because it is more appropriate for you to be placed on a mental health treatment plan than to punish you under the regular law.

## **Sentencing Hearing or 'Plea'**

If you enter a plea of guilty – or are found guilty – the next step is for the magistrate to decide upon your penalty. This process is called a sentencing hearing, or 'plea in mitigation', or simply a plea. The magistrate will normally read any relevant materials, such as the police papers and your character references, and hear verbal submissions from your lawyer and the prosecutor before deciding the penalty.

## **Trial**

A trial is a District or Supreme Court proceeding where your guilt or innocence is decided. Like a defended hearing, witnesses normally attend court and are questioned by both sides. However, a trial usually occurs before a jury of 12 people who decide guilt or innocence.

So there you have it – some of the most common proceedings you are likely to come across in the Downing Centre.