

Information for victims of crime

After an accused person has been found guilty by a Magistrate, Judge or jury, or they have pleaded guilty, they will be sentenced. Once convicted the accused person is called 'the offender'.

The sentencing process

- Sentence hearings may be heard on the same day as the conviction or they can be adjourned to a later date.
- Sentencing occurs in two parts. The first part is when the prosecution and defence make submissions about the offender and the offences for the Magistrate or Judge to consider. The second part is the judgment when the Magistrate or Judge delivers the sentence.
- Sentence hearings can be part-heard. This means the sentencing process is partly completed and a new date is set for the sentencing to be finalised or for the judgment. There can be hours, days, weeks or even months between the submissions and the judgment.
- Sometimes the sentencing process can be difficult for victims and their families because of the focus on the offender. The sentencing process is mostly focussed on what the prosecution and defence want the court to consider in deciding the appropriate sentence. There are many factors considered by the Judge or Magistrate when deciding a sentence. Sometimes witnesses are called to give evidence about the good character or other factors affecting the offender.
- The prosecution and the defence may have provided written submissions so you might not hear them say a great deal in court.
- Both the prosecution and defence will refer to other cases that may have similar facts and discuss the sentences received in those cases. If you are in court for the sentence you may hear the lawyers and the Judge or Magistrate discussing cases as "low range, mid range, and worst case". This is the court trying to decide objectively where the facts of this particular case would fit in if you had to rank each case according to the seriousness of the facts.
- When the Judge or Magistrate reads out the judgment, the facts of the case are also read out in open court, though in some cases the name and details of the victim are not able to be reported.

Victim Impact Statements (VIS)

- As a victim of crime, or family of the deceased victim, you may be entitled to write a VIS for the sentence hearing and if you wish, you or a representative can read the VIS to the court.
- A VIS can only be given to the court by the prosecutor after an accused is convicted and once the sentencing proceedings have begun.
- The offender is entitled to read the VIS but not to keep a copy of it.
- Reading out the VIS can only take place after the VIS has been handed to the court by the prosecutor during the sentencing hearing. Each Judge has a different way of hearing the VIS read to the court e.g. the person might read the VIS from the public gallery, the witness box, or near the bar table, it depends on the Judge. You can have support when reading the VIS.
- Some victims are entitled to read their VIS via CCTV.

Getting in touch

Witness Assistance Service

The Witness Assistance Service (WAS) at the ODPP can be contacted via:

 **Toll free**
1800 814 534

 **Sydney HO**
(02) 9285 8606