



Early Guilty Pleas/Negotiations for Major Indictable Charges

The below outlines the procedure for submitting offers of resolution following commencement of the *Criminal Procedure Act, 1921*.

South Australia Police (SAPOL) will have carriage of major indictable matters up until a charge determination has been made by the Director of Public Prosecutions (DPP), at which point the DPP will assume conduct of the matter.

All offers of resolution or other negotiations on major indictable matters prior to a charge determination being made by the DPP should be directed to the SAPOL Major Indictable Brief Unit SAPOLMajorIndictableBriefUnit@police.sa.gov.au.

All offers of resolution should be made by way of the *Notification of Defence Offer of Resolution/Early Guilty Plea* form and contain details as to the proposed charges and factual basis of the plea. The sentencing discount applicable at the time of the negotiations should also be identified.

Once the form has been received by the SAPOL Major Indictable Brief Unit, the following procedure will apply:

- In the event that offers of resolution or early guilty pleas involving minor indictable or summary offences only, negotiations will be conducted by the SAPOL Major Indictable Brief Unit who will retain carriage of the matter.
- Should a defendant wish to plead guilty as charged, the matter can be called on in the relevant court at any time in accordance with the Court rules. It is not necessary for the *Notification of Defence Offer of Resolution/Early Guilty Plea* form to be submitted in these circumstances.
- Offers of resolution to major indictable offences involving amended major indictable charges, will be forwarded by SAPOL upon receipt of the *Notification of Defence Offer of Resolution/Early Guilty Plea* to the DPP.
 - In the event that a resolution has not been reached, the DPP will return the file to the SAPOL Major Indictable Brief Unit for conduct until such time as a charge determination is made.
 - In the event that a matter is successfully resolved to a major indictable offence(s), the DPP will retain conduct and appear on sentencing submissions.

Offers of resolution and/or negotiations after the making of a charge determination should be forwarded directly to the DPP who will have assumed conduct.



NOTIFICATION OF DEFENCE OFFER OF RESOLUTION/EARLY GUILTY PLEA

(MAJOR INDICTABLE OFFENCE/S - PRE CHARGE DETERMINATION)

- ❖ *To be forwarded to Officer In Charge - SAPOL Major Indictable Brief Unit*
- ❖ *100 Angas Street, Adelaide 5000 or SAPOLMajorIndictableBriefUnit@police.sa.gov.au*

Please note that there is no requirement to submit this form if you intend to plead guilty as charged.

I represent this defendant and this notice indicates an intention to enter an early guilty plea and/or commence negotiations with the prosecution on a without prejudice basis.

Name of defendant:

Date of birth:

Apprehension Report No.

Court File No.

The defendant is currently charged with the following offence/s:

1.
2.
3.
4.
5.
6.
7.

The defendant gives notice of intention to enter guilty pleas to the following offence/s:

1.
2.
3.
4.
5.
6.
7.

The proposed factual basis of the plea is:

- on full facts as contained in the affidavits and/or prosecution evidence; or
- as set out in the attached correspondence; or
- yet to be determined

The defendant seeks the following sentence reduction *(tick)*;

- up to 40% as per Section 40(3)(a) of the Sentencing Act, 2017¹
- up to 30% as per Section 40(3)(b) of the Sentencing Act, 2017²

Next in court date:

Defence Counsel details:

Name:

Firm:

Signature:

Contact details: phone: email:

Further information for prosecution with respect to the offer of resolution/early guilty plea:

¹ From 5 March 2018 - 30 April 2018: as per Section 10C(3)(a) *Criminal Law (Sentencing) Act, 1988*

² From 5 March 2018 - 30 April 2018: as per Section 10C(3)(b) *Criminal Law (Sentencing) Act, 1988*