



legal chat

with Robert Brown
solicitor with
Johnston Tobin Solicitors

PROPER LEGAL ADVICE IMPORTANT DURING COVID TIMES

During the COVID-19 crisis the Court system has been through dramatic changes. There were wholesale adjournments of almost every matter at the start, new fresh charge matters did not require a person to attend court and people in custody attended via audio video links. Just when we thought things were getting back to normality the Chief Magistrate sent a notice out to address the confusion, overcrowding and the risk of infection especially at busy Courts. His Honour confirmed that people who are facing a fresh Police charge and that are not in custody, DO NOT need to appear in person if they have a lawyer or if they wanted an adjournment to get a lawyer, but they need to have advised the Court in writing in advance. Few non-lawyers would know this and people were turning up and then not being allowed through the door except when their case was called. People were then being encouraged to write to the Court to advise if they were pleading Guilty or Not Guilty to avoid appearing in court again. This is a matter of great concern with the risk many were deciding on their fate without consultation with a lawyer and obtaining proper legal advice. Often police lay multiple charges and it is not uncommon for the incorrect charge to be laid so proper legal advice is essential before going to court or pleading guilty. There was the risk some could plead Guilty plea out of confusion in these times. Charges may not only be inappropriate but may be unsustainable on the evidence. Getting proper legal advice could lead to the number of charges being reduced and the severity lessened greatly when tested at Court. Representations

or submissions by a competent lawyer could have charged persons discharged of liability for incorrect offences. Penalties can be drastically reduced given the opportunity to use a lawyer. Police may have laid extra charges which may not be sustainable or even justified. The Court is where charges and the evidence are tested and are sometimes found to be unsustainable. It may not be the best just to enter a Guilty plea to resolve the matter more quickly, you need proper legal advice in almost all cases. An early Guilty plea will usually attract a reduced penalty but it is a very important decision and one which is not at all easy to change afterwards.

Don't make the wrong decision, if you have a police charge or an upcoming Court matter call Johnston Tobin Solicitors for the right advice.



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