

Client Case Information



The Summary of Facts

This says what you are charged with, and what the Police witness say happened. Read this carefully, so you can tell your lawyer what you agree with, and what you don't agree with. You can make notes on it.

NZ Police POL 202 0613

SUMMARY OF FACTS

POLICE v [REDACTED]

CHARGE

Injures Intent To GBH (Other Weapon)
Crimes Act 1961 Section 196(1)
10 Years Imprisonment

Possess Offensive Weapon (Other)
Crimes Act 1961 Section 202A(4)(a)
3 Years Imprisonment

Theft (\$500-\$1,000)
Crimes Act 1961 Section 219 and 223(c)
1 Year Imprisonment

CIRCUMSTANCES

At about 8:45 a.m. on Sunday 08 November [REDACTED] the defendant drove his motor vehicle to the Caltex service station on [REDACTED]

[REDACTED] is also State Highway 6 and is the main highway which passes through the small township of [REDACTED]

The Caltex was not open at this time, so the defendant walked around the corner on to [REDACTED]

Street is the main street running through the centre of [REDACTED]

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The penalty printed on the Summary of Facts is the maximum, and is for the most serious cases of that offence.

Do you have any evidence about things you say are wrong in the Summary of Facts? Are there any people who can say what they saw, any photos, or any text messages or Facebook posts that show that what you think is right? Write these things down to show your lawyer, or send them to your lawyer.

Things to Tell your Lawyer

Tell your lawyer if things are going on for you that might be relevant to what happened, or to what sentence could be appropriate – things like problems to do with work, family, mental health, drugs or alcohol, can all be important.

Do you have a Defence?

A defence is being able to show that you are not guilty of the charge. There are lots of different defences, and your lawyer will talk to you about the ones that might apply in your case after you have talked about the Summary of Facts. For a complicated matter your lawyer will type up a statement of your side of the story, and ask you to check it is correct. If you don't have a defence, you can still make the Police prove the charge against you.

Disputed Facts Hearings

Sometimes you admit that the charge itself happened (for example, an assault, or possession of cannabis), but you don't agree that everything in the Summary of Facts is right. Or you admit that something happened, but say it was less serious than the charge against you. Talk to your lawyer about asking Police to change the charge, or pleading guilty and having a Disputed Facts Hearing. Sometimes the Police will change the Summary of Facts without a hearing, and some-times there has to be a hearing with witnesses. You can then be sentenced on the basis of the facts in the amended Summary of Facts, or the facts that the Court finds after a hearing.

Early Guilty Plea Discounts

Usually the Court will give you a discount on the sentence for your charges if you plead guilty early, and it saves the Police and the Court time. You can still get a discount if it takes time to sort out the Summary of Facts, and it is sorted out the way you wanted.

Getting Ready for a Trial

If you are pleading not guilty, there will be a trial, either before a Judge, or a jury. If the maximum sentence is 2 years prison or more, you can choose to have a jury trial.

You and your lawyer will both have jobs to do before a trial. Write down any jobs that you have (like bringing a witness to see your lawyer, getting phone numbers, sending text message evidence to your lawyer). Keep in touch with your lawyer and let them know if you have problems getting hold of witnesses.

Giving Evidence at a Trial

If there is a trial, it is your decision whether or not you give evidence. Your lawyer will give you advice, but you make the final decision. You don't have to make your decision until after the Police evidence has finished.

Other Defence Witnesses

It is your decision whether other witnesses give evidence for you at your trial. Make sure that you and your lawyer both understand which witnesses are going to be called, and when they will need to be at Court. Sometimes your lawyer will say that the witness's evidence is not relevant – that means that the Court won't let it be given. Sometimes expert witnesses can help your case too.