

MAGISTRATES COURT of WESTERN AUSTRALIA COURT HEARING NOTICE <i>Criminal Procedure Act 2004</i> <i>Criminal Procedure Regulations 2005 - Form 5</i>		Charge Number/s		
		Registry Location		
Accused's Details	Full name			
	Address			
Hearing details	The charges in the attached prosecution notice dated		will be first dealt with by the above court at the time, date and place stated below.	
Date and Time	Date		Time	
Place				
Notice to Accused	If you do not know what to do, you should get advice from a lawyer, the Legal Aid Commission or the Aboriginal Legal Service. If you will need an interpreter in court, please contact the court.			
Options Your options are set out.	1. You can attend the above hearing. 2. You can do nothing. 3. You can plead <u>not guilty</u> in writing. 4. You can plead <u>guilty</u> in writing. Options 2, 3 and 4 are explained below.			
Doing nothing [Option 2]	If you do not appear at the above hearing and you do not lodge with the court a written plea in time, the court may determine the charge(s) at the above hearing in your absence. In some cases the court can take as proved any allegation in the attached prosecution notice without hearing evidence. The court may decide to summons you to court or have you arrested and brought before the court. If the court finds you guilty, it may fine you and order you to pay court costs and the prosecutor's costs.			
Pleading not guilty in writing [Option 3]	Pleading <u>not guilty</u> to a charge in the prosecution notice means you do not admit the charge. If you lodge with the court a written plea of <u>not guilty</u> , you need not attend the above hearing. If the court receives your written plea in time it will send you a notice of another hearing at which the court will deal with the charge(s) (in your absence if you are not there) and hear any evidence you wish to give and any witnesses you call. A written plea of not guilty must be lodged with the court at least 3 days before the above hearing date - 1. by means of the ECMS; ¹ or 2. by completing page 2 of this form and returning it to the court registry			
Pleading guilty in writing [Option 4]	Pleading <u>guilty</u> to a charge in the prosecution notice means you admit the charge. If you lodge with the court a written plea of <u>guilty</u> , you need not attend the above hearing unless you want to tell the court something. If the court receives your written plea in time it will deal with the charge(s) at the above hearing (in your absence if you are not there) and may fine you and order you to pay court costs and the prosecutor's A written plea of guilty must be lodged with the court at least 3 days before the above hearing date - 1. by means of the ECMS; ¹ or 2. by completing page 2 of this form and returning it to the court registry. Attach any written explanation or information that you want the court to consider. The court might not accept your plea of guilty if what you tell the court suggests you do not admit the charge. If that happens you will be notified.			
Issuing details	This notice is issued on Prosecuting Officer			
Service details² [*Police only]	On _____, the accused was served with a copy of this notice and the prosecution notice referred to above in the following manner: Name of server: _____ *Registered No: Signature: _____ *Station:			

Notes for Form 5 page 1:

- The electronic case management system (ECMS) can be accessed via the eCourts Portal of Western Australia at <http://ecourts.justice.wa.gov.au/eCourtsPortal/>.
- Service must be in accordance with the CPA Schedule 2 clause 2, 3 or 4 (see s.33(3)). Insert here whichever manner of service was used

WRITTEN PLEA BY ACCUSED*Criminal Procedure Act 2004**Criminal Procedure Regulations 2005 - Form 5 page 2*

Charge Number/s

Registry Location

Accused's Details		Full name		
		Address		
Accused's plea	I have received a prosecution notice dated _____ and a court hearing notice advising me of the hearing on _____ I understand or have had explained to me the charge(s) in the prosecution notice and the contents of the court hearing notice and I understand the effect of this written plea I am sending to the court.			
Plea of guilty [Tick one box]	<input type="checkbox"/> I plead <u>guilty</u> to the charge(s) in the prosecution notice. <input type="checkbox"/> I plead <u>guilty</u> to the following charges in the prosecution notice. <i>[If the prosecution notice contains more than one charge and you want to plead guilty to only some of them, write the numbers of the charges here.]</i>			
[Tick one box]	Attendance at court: <input type="checkbox"/> I will be attending the hearing on the above date. <input type="checkbox"/> I will not be attending the hearing on the above date. I would like the court to take account of the following: <i>[If you are pleading guilty you can (but need not) explain why you committed the offence(s) and give any information that you want the court to consider when deciding what sentence to impose on you.]</i>			
Plea of not guilty [Tick one box]	<input type="checkbox"/> I plead <u>not guilty</u> to the charge(s) in the prosecution notice. <input type="checkbox"/> I plead <u>not guilty</u> to the following charges in the prosecution notice. <i>[If the prosecution notice contains more than one charge and you want to plead not guilty to only some of them, write the numbers of them here]</i>			
[Tick one box]	Attendance at court: <input type="checkbox"/> I will be attending the hearing on the above date. <input type="checkbox"/> I will not be attending the hearing on the above date. At the trial of the charge(s) I intend to call _____ witnesses (including myself). <i>[Please insert the number of witnesses to assist the court in deciding how long the trial might last]</i> When setting a date for the trial please take account of the following: <i>[Please provide any information that might assist the court when setting the date for the trial such as dates when you will be overseas or in hospital.]</i>			
Contact details	My contact details are — Address (if different to the one above): Telephone No. _____ Email. _____ Mobile No. _____			
Lawyer's details [If a lawyer will appear for you]	Name: Firm name:			
Accused's signature	<i>This may be signed by the accused's lawyer or, if the accused is a corporation, made in accordance with the Criminal Procedure Act 2004 section 154(1).</i>			
		Date		
Court address	Send this document to: at:			

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Place			
Notice to Accused	If you do not know what to do, you should get advice from a lawyer, the Legal Aid Commission or the Aboriginal Legal Service. If you will need an interpreter in court, please contact the court.		
Options Your options are set out.	<ol style="list-style-type: none"> 1. You can attend the above hearing. 2. You can do nothing. 3. You can plead <u>not guilty</u> in writing. 4. You can plead <u>guilty</u> in writing. Options 2, 3 and 4 are explained below.		
Doing nothing [Option 2]	<p>If you do not appear at the above hearing and you do not lodge with the court a written plea in time, the court may determine the charge(s) at the above hearing in your absence.</p> <p>In some cases the court can take as proved any allegation in the attached prosecution notice without hearing evidence.</p> <p>The court may decide to summons you to court or have you arrested and brought before the court.</p> <p>If the court finds you guilty, it may fine you and order you to pay court costs and the prosecutor's costs.</p>		
Pleading not guilty in writing [Option 3]	<p>Pleading <u>not guilty</u> to a charge in the prosecution notice means you do not admit the charge.</p> <p>If you lodge with the court a written plea of <u>not guilty</u>, you need not attend the above hearing. If the court receives your written plea in time it will send you a notice of another hearing at which the court will deal with the charge(s) (in your absence if you are not there) and hear any evidence you wish to give and any witnesses you call.</p> <p>A written plea of not guilty must be lodged with the court at least 3 days before the above hearing date -</p> <ol style="list-style-type: none"> 1. by means of the ECMS;¹ or 2. by completing page 2 of this form and returning it to the court registry 		
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Issuing details	<p>This notice is issued on _____</p> <p>Prosecuting Officer _____</p>		
Service details² [*Police only]	<p>On _____, the accused was served with a copy of this notice and the prosecution notice referred to above in the following manner:</p> <p>Name of server: _____ *Registered No: _____</p> <p>Signature: _____ *Station: _____</p>		

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3. The electronic case management system (ECMS) can be accessed via the eCourts Portal of Western Australia at <http://ecourts.justice.wa.gov.au/eCourtsPortal/>.

4. Service must be in accordance with the CPA Schedule 2 clause 2, 3 or 4 (see s.33(3)). Insert here whichever manner of service was used

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Registry Location

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Contact details	My contact details are — Address (if different to the one above): Telephone No. _____ Email. _____ Mobile No. _____			
Lawyer's details [If a lawyer will appear for you]	Name: Firm name:			
Accused's signature	<i>This may be signed by the accused's lawyer or, if the accused is a corporation, made in accordance with the Criminal Procedure Act 2004 section 154(1).</i>			
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