

## **PRACTICE DIRECTION 7 OF 2020**

### **LETTERS OF RECOGNITION**

The Prosecution is to make Defence Counsel aware of the content of any Letter of Recognition which is to be taken into account in the sentencing of an Offender unless there has been an order for non-disclosure of that Letter of Recognition.

At least 4 days before the sentencing hearing the Letter of Recognition, together with a written confirmation from the Prosecution that Defence Counsel has viewed or been advised of the content of the Letter of Recognition, must be delivered in a sealed envelope to the Chief Magistrates' Chambers for matters listed at Central Law Courts or to the Registrar of the Court at any other location. The Prosecution must ensure that the Prosecutor at the sentencing hearing is aware of the content of the Letter of Recognition.

The Letter will be kept secure by the Chambers Administrator or Registrar until the sentencing Magistrate can be ascertained, at which time it will be delivered to the Magistrate.

At least 2 days before the sentencing hearing, the Prosecution and Defence Counsel must deliver any confidential submissions relating to the contents of the Letter of Recognition to the Chambers Administrator or Registrar in a sealed envelope. These will also be kept secure by the Chambers Administrator or Registrar until delivered to the sentencing Magistrate.

In the event that the Prosecution or Defence Counsel wish to make oral submissions at the sentencing hearing with respect to the Letter of Recognition then that party must include a letter to that effect with the confidential submissions.

Oral submissions are not encouraged. In the event that the Prosecution or Defence Counsel express an intention to make oral submissions as regards to the Letter of Recognition at the sentencing hearing, consideration will be given as to whether it is appropriate to close the Court and/or make a suppression order. The Court will determine the appropriate measures on a case by case basis.

At the sentencing hearing, the sentencing Magistrate will make an oblique reference to having considered all relevant material pertaining to the sentencing of the offender and then the Magistrate will sign and date the Letter of Recognition and return it to the Chambers Administrator or Registrar who will then arrange for the Prosecution to collect of it.

At the conclusion of the sentencing hearing the sentencing Magistrate will prepare a confidential addendum to his/her sentencing remarks. It will note any discount given on sentence as a result of the Letter of Recognition.

Any confidential submissions received from the Prosecution and/or Defence Counsel together with the Magistrate's confidential addendum to the sentencing remarks will be placed in a sealed envelope marked only with the offender's name and charge number and secured in a Court safe.

On an appeal against sentence, the appellant shall request the Chamber Administrator or the Registrar to forward the sealed envelope containing the confidential submissions and the Magistrate's confidential addendum to the Supreme Court for consideration by that Court.

A handwritten signature in black ink that reads "Steven Heath". The signature is written in a cursive, flowing style.

Steven Heath  
**Chief Magistrate**

Dated: 10/12/20