

02

ESSENTIAL INFORMATION FOR THE SELF-REPRESENTED ACCUSED

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CHAPTER 2

ESSENTIAL INFORMATION FOR THE SELF-REPRESENTED ACCUSED

(A) Should I hire a lawyer?

Whether or not you wish to hire a lawyer is a personal decision. However, it is an important decision that should be made only after you have considered the pros and cons of the options available to you.

Broadly speaking, when you are representing yourself, you would have to familiarise yourself with (i) the legal procedure and (ii) the substantive law (i.e. the laws and legal principles). This Guide will provide you with the necessary information on the legal procedure. However, it will not provide any insight on the substantive law and in particular, the Defences available to you in law. If you intend to represent yourself, it is crucial that you know what your defences in law are.

Even though you are representing yourself as a layman, the Court cannot relax its procedural rules and standards for you. This means that you must be prepared to present your case as if you are a legally represented litigant. You must also be prepared to bear the full responsibility of preparing for and conducting your own case. The Judge may offer some guidance regarding the procedures of the trial but the Judge cannot act as your lawyer, i.e. the Judge cannot advise you on what you should do to successfully represent yourself. The role of the Judge is to ensure that you have a fair trial.

If you are confident that you would be able to handle the legal procedure and the substantive law, you may consider representing yourself. Otherwise, you may wish to consider engaging a lawyer or at the very least, speak to one before you make your decision. A good lawyer would relieve you of the stress involved in preparing for and presenting your case in Court.

(B) Where can I get legal advice?

(1) Engage a lawyer

The Law Society of Singapore has an online directory of the names, addresses and other useful information of all practising lawyers in Singapore. You may access the directory at www.lawsociety.org.sg. Please note that the Courts are not in a position to recommend lawyers to litigants.

(2) The Criminal Legal Aid Scheme (CLAS)

You may need a lawyer but you may be unable to afford one. Accused persons who are unable to afford a lawyer to defend criminal charges brought against them may approach the Law Society Pro Bono Services' Criminal Legal Aid Scheme (CLAS) for help.

A volunteer lawyer will be appointed to represent an accused person if they meet the following criteria:

- (a) Satisfy a means test, which includes an income test and a disposable assets test.
- (b) Intends to plead guilty or claim trial for offences involving these statutes:
 - (i) Arms & Explosives Act
 - (ii) Arms Offences Act
 - (iii) Computer Misuse Act
 - (iv) Corrosive and Explosive Substances & Offensive Weapons Act
 - (v) Dangerous Fireworks Act
 - (vi) Enlistment Act
 - (vii) Explosive Substances Act
 - (viii) Films Act
 - (ix) Miscellaneous Offences (Public Order and Nuisance) Act
 - (x) Misuse of Drugs Act
 - (xi) Moneylender's Act (Cap 188) [Ss 14 and 28]
 - (xii) Penal Code
 - (xiii) Prevention of Corruption Act
 - (xiv) Ss 65(8) and 140(1)(i) of the Women's Charter
 - (xv) Undesirable Publications Act
 - (xvi) Vandalism Act

You may find more information on CLAS from this website <http://probono.lawsociety.org.sg/Pages/Criminal-Legal-Aid-Scheme.aspx>. Alternatively, you may also contact them by phone, email, or by visiting them at their office.

Address: 1 Havelock Square, Basement 1, HELP Centre, Singapore 059724

Telephone: 6536 0650

Email: clas@lawsocprobono.org

(3) Remand clinic

If you are currently remanded in prison as a result of not being able to post bail, you may attend the Remand Clinic, where you will get 20 minutes of advice from a volunteer lawyer for free. However, this lawyer will not be able to represent you in Court. There are no means or merits tests for this clinic. All persons in remand are eligible and can apply through their remand institutions.

(4) The CJC HELP Centre

The CJC offers various programmes for the self-represented accused.

(a) On-Site Legal Advice Scheme

The CJC at HELP Centre's On-site Legal Advice Scheme offers 20 minutes of advice from a volunteer lawyer for free and the service is available Monday to Friday from 10.30am to 12.30pm, and 2.30pm to 5.30pm (except Public Holidays). Please note that the volunteer lawyer will not be able to represent you in Court. There are no means or merits tests for this clinic; all are eligible. Visit the CJC at the HELP Centre for more information.

(b) Primary Justice Project (Criminal)

You may get a lawyer to represent you at the Criminal Case Management System¹ (CCMS) or Criminal Case Resolution² (CCR) for a fee³. The lawyer will help you to request for

¹ A Criminal Case Management System (CCMS) involves a 'without-prejudice' meeting between the Prosecutors and an accused person's lawyer to explore the key issues in dispute or engage in plea bargaining.

² A Criminal Case Resolution (CCR) involves a meeting between a Judge, the Prosecutors and the accused person's lawyer with a view to facilitating a mutual understanding of disputed issues in a case and, where appropriate, provide an indication of the likely sentence upon conviction or a plea of guilt.

³ \$300/hr, max 3hr + \$100 administrative fee.

information about the Prosecution's position and evidence in respect of your case and to make representations to the Prosecution. To qualify, your annual disposable income must not exceed \$12,000. Visit the CJC HELP Centre for more information.

(c) The CJC Guidance for Plea Scheme (GPS)

This scheme is offered by the CJC lawyers on a pro bono basis to the self-represented accused who does not qualify for the Criminal Legal Aid Scheme. The accused may sometimes be unsure as to whether he has a valid defence or if he should plead guilty. GPS aims to help the self-represented accused clarify the viability of his defence and what would be his best course of action. The lawyer under this scheme will not represent the accused in Court but will confine his role to giving legal advice.

(d) Friends of Litigants in Person (FLiP)

Friends of Litigants-in-Person (FLiP) empowers Litigants-in-Person (LiPs) with confidence to represent themselves in Court. The FLiP programme focuses primarily on providing the unrepresented litigant with emotional support and practical guidance on basic Court processes such as the procedure during a trial hearing as well as an explanation of the Judge's directions. Assistance is also available to self-represented accused persons who are above 65 years old or youths below 21 years old with no family support and where probation is not an option. The scheme is only applicable to offences of a less severe nature such as theft and public order offences.

Legal Help & Social Assistance

The Community Justice Centre

Basement 1, HELP Centre, State Courts Towers

Tel: 6557 4100

Email: help@cjc.org.sg

Web: www.cjc.org.sg

(C) Useful Legal Resources

Here are some useful resources you may wish to refer to if you are representing yourself:

Resource	Description	Where can I access this?
The Penal Code	A statute that sets out and consolidates the law in relation to criminal offences	http://sso.agc.gov.sg
The Criminal Procedure code	A statute that sets out law in relation to criminal procedure	http://sso.agc.gov.sg
The Misuse of Drugs Act	An act for the control of dangerous or otherwise harmful drugs and substances and for purposes connected therewith	http://sso.agc.gov.sg
The Evidence Act	An Act relating to the law of evidence	http://sso.agc.gov.sg
'Know the Law' booklet	A publication by the Law Society of Singapore which describes, in layman terms, commonly encountered areas of law	http://probono.lawsociety.org.sg

Do note that the Court is moving towards a paperless filing system. This means that all the documents related to the case, including your correspondence with the Court and the Prosecution, must be filed through the Integrated Case Management System (ICMS). If you intend to defend yourself, you should familiarise yourself with the ICMS. For more information, refer to 'Chapter 8 - Integrated Case Management System (ICMS)'.

(D) Pleading Guilty versus Claiming Trial

As an accused, the most fundamental issue you would have to consider is whether you wish to plead guilty, or claim trial to the charge(s)⁴. The table below explains the difference between pleading guilty or claiming trial.

Claim Trial	Plead Guilty
<ul style="list-style-type: none"> ▶ You dispute the charge(s) against you ▶ You disagree with essential facts stated in the Statement of Facts (commonly also known as the "SOF") ▶ A trial date is fixed for the Prosecution to prove the charges and for you to defend yourself 	<ul style="list-style-type: none"> ▶ You admit to committing the offence(s) as stated in the charge(s) ▶ You agree with essential facts as stated in the Statement of Facts (SOF) ▶ You will be convicted by the Judge without a trial if the admitted facts make out every element of the charge ▶ You will not be allowed to contest the charge(s) or claim trial after you have been convicted and sentenced ▶ You can appeal against your sentence but not your conviction ▶ You may receive a discount on your sentence for an early plea of guilt

⁴ A charge is an official document prepared by the Prosecution that would include information on the date, time, place and nature of the offence alleged to have been committed by the accused person.

You can plead guilty at any stage of the proceedings before the Judge delivers his verdict. Consider your options carefully before you make your decision whether to claim trial or plead guilty.

If you choose to plead guilty in Court, the Prosecution will read out the Statement of Facts relating to the charge(s), and state any previous convictions that you may have. If you admit to the Statement of Facts, your plea of guilt will be accepted by the Court. The Court will record your plea upon admission of the facts and convict you.

Upon conviction, you may make your mitigation plea before the Court proceeds to sentencing. Information on sentences and mitigation pleas are found in Chapter 6.

(E) Adjournments

An adjournment is a postponement of the Court hearing to another date. Applications for adjournments can be made by you or the Prosecution. Requests for adjournments should be supported by valid reasons; otherwise, the Court may not be prepared to grant the adjournment. Either side may object to an adjournment. The Court will decide whether to grant the adjournment after hearing both sides.

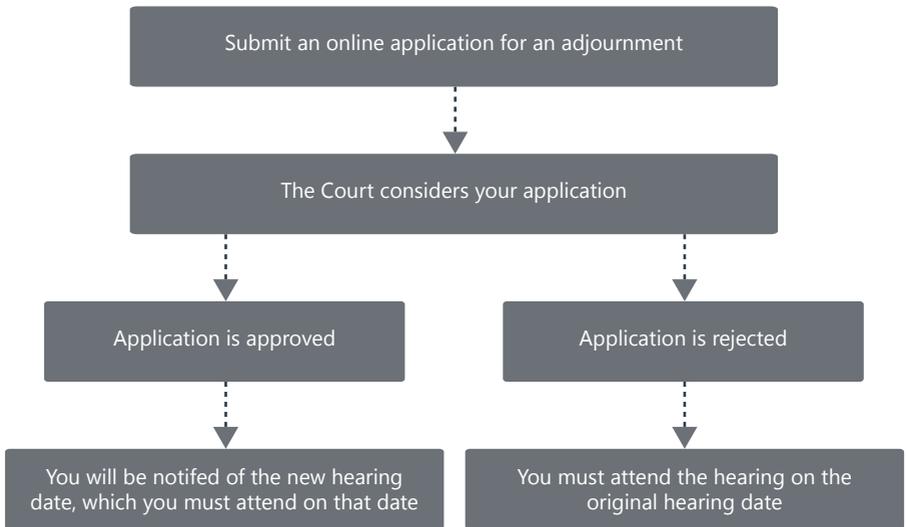
Here are some common reasons which are conveyed to the Court in support of a request for an adjournment:

By the Prosecution	By the Accused
<ul style="list-style-type: none"> ▶ For further investigations ▶ To apply for reports such as medical reports or Health Sciences Authority reports ▶ To obtain the Attorney-General's Chambers' directions on the case ▶ To review and reply to the representations made by the accused 	<ul style="list-style-type: none"> ▶ To consult/engage a lawyer, including applying to CLAS ▶ To make representations to the Prosecutor ▶ To raise funds ▶ To compound the matter ▶ To settle personal affairs before serving sentence

You may apply for an adjournment through the following ways:-

(a) **Oral Application:** Inform the Judge during the Court hearing. If your request for the adjournment is approved, you will receive a mention slip with the venue, date and time of your next Court hearing.

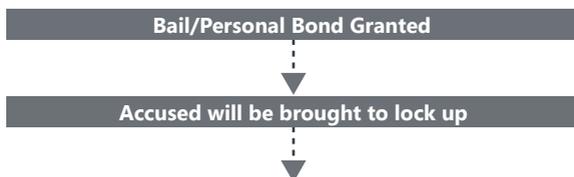
(b) **Online Application:** File an online application to reschedule the Court hearing date in the State Courts Integrated Case Management System (ICMS). You may either access ICMS via the internet or using the ICMS kiosks located in the State Courts. Please monitor the outcome of your request by logging into ICMS with your SingPass to check on the application status. If your request is approved, the new date and time for the Court hearing will be shown in ICMS. If your application is rejected, you **MUST** attend the Court hearing originally scheduled. If you miss this Court hearing, a Warrant of Arrest may be issued against you. For more information on ICMS, refer to 'Chapter 8 - Integrated Case Management System (ICMS)'.

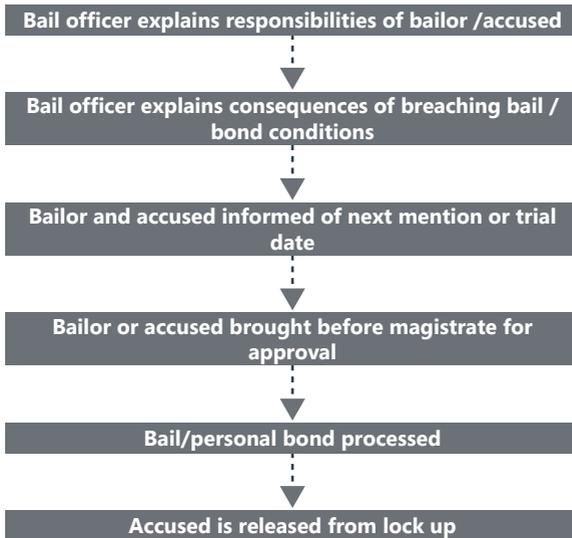


(F) Bail/Personal Bond

(1) What is Bail/Personal Bond?

If you are arrested and charged in Court, you will be placed in remand pending the disposition of the case unless the Court releases you on bail and/or personal bond.





If bail is granted and someone apart from yourself (a surety/bailor) is willing and able to provide security for the amount of money ordered by the Court for the bail (bail amount), you will be released on bail. **Thereafter, your bailor has a duty to ensure that you attend Court as required.**

If personal bond is granted, you would have to provide security for the amount of money ordered by the Court (bond amount), before you can be released on personal bond. You will have the duty to ensure that you attend Court as required.

The Court may also release you on both personal bond and bail (eg for \$X + \$Y in security), in which case the Court can order that bail be furnished to the sum of \$X by a surety/bailor, and personal bond to the sum of \$Y. In such a situation, both the bailor and you will become responsible for ensuring your attendance in Court as required.

(2) Bail/Personal bond conditions

Bail will often be granted with conditions attached. You must obey the conditions. Otherwise, your bail may be revoked. The following conditions shall apply when the Court grants bail, unless the Court specifies otherwise:

- (a) You must surrender your travel document.
- (b) You must surrender to custody, be available for investigations, or attend Court as required.
- (c) You must not commit any offence while on bail or personal bond.
- (d) You must not interfere with any witness or otherwise obstruct the course of justice.
- (e) In the case of bail, your bailor cannot be a co-accused in the same matter.

Other conditions commonly imposed include:

- (a) You are not to contact the victims directly or indirectly.
- (b) You must attend treatment sessions specified by the Court (pending the outcome of the case).
- (c) You must be subject to electronic monitoring.

For young offenders below the age of 21, the Court may be more likely to grant bail rather than personal bond, and some additional conditions that may be imposed are:

- (a) Only the parent or guardian of the accused may be the bailor.
- (b) Time curfew for the accused to remain indoors.
- (c) The accused is to attend school/national service regularly.

(3) How is the bail/personal bond amount determined?

When the issue of bail is raised, the Prosecution may propose a certain amount for the Judge to consider. If you are of the view that it is too high, you may ask for a lower amount and explain your reasons to the Judge. The Judge will then decide on the bail/personal bond amount. Some of the Judge's considerations would be:

- (a) The nature, number and gravity of the charges.
- (b) The severity of punishments prescribed for the offences.
- (c) The character, means and standing of the accused.
- (d) Whether you are a flight risk.

(4) What type of security may be furnished?

The following is a general guide as to how the Court may require security to be furnished:

- (a) For bail/bond amounts of \$15,000 and below, security may be provided by pledging of personal property, including jewellery or furniture (provided these items have been fully paid for).
- (b) For bail/bond amounts above \$15,000, security is generally provided by means of cash or cash equivalent (such as a cashier's order).

(5) Who can be my bailor?

Unless the Court orders otherwise, any Singapore citizen or permanent resident above the age of 21 and who is not currently bankrupt or facing criminal charges.

The Court has the ultimate discretion on whether a person is allowed to be a bailor. For instance, if the Court does not believe that the proposed bailor is able to secure your attendance for the Court events, the Court may not allow that proposed bailor to post bail.

(6) How does my bailor bail me out?

In the event that bail is granted, you will be permitted to make two local phone calls to arrange for a bailor. Have a few people in mind to call once bail is granted.

The person who is prepared to be your bailor (the proposed bailor) must go to the Bail Centre at level 4 of the State Courts Towers. During processing, the Bail Centre officer will interview your proposed bailor to brief him/her on the conditions of the bail, and to ensure that all the conditions of the bail can be complied with.

Once your proposed bailor understands his/her duties, agrees to the same and furnishes security for the bail, the Bail Centre will bring your proposed bailor before a magistrate to acknowledge the terms and conditions of the bail. The magistrate may reject the application if he/she finds that the proposed bailor is unsuitable as a bailor. If the application is approved, arrangements will be made for you to be released.

(7) How do I provide personal bond for my own release?

In the event that personal bond is granted, a Bail Centre officer will interview you to brief you on the conditions of personal bond, and to ascertain whether you are able to provide security for the bond. If the application is approved, you will be released.

(8) What are the Bail Centre's operating hours?

Please note that the Bail Centre's operating hours are as follows:-

Monday to Thursday

8.30am to 1.00pm (last registration at 12.30pm)

2.00pm to 6.00pm (last registration at 5.00pm)

Friday

8.30am to 1.00pm (last registration at 12.30pm)

2.00pm to 5.30pm (last registration at 4.30pm)

Saturday

8.30am to 1.00pm (last registration at 12 noon)

Please inform your bailor to register at the Bail Centre before the cut-off time. Failure to do so may mean that your Bail application can only be registered for processing on the next working day. In that event, you would have to remain in remand until your bail has been processed and approved.

(9) What happens if I breach the bail/personal bond conditions?

You must not breach the bail/personal bond conditions. If you do so, your bail/personal bond may be revoked. This means that you will be remanded pending the trial. If you breach your bail conditions, your bailor will have to attend Court. If the Court is satisfied that you had no reasonable excuse for failing to attend Court as required, your bailor may be called upon to explain why the Court should not forfeit the bail bond, and/or be ordered to pay the bail amount. If there is no valid reason for your failure to attend Court, your bailor may lose the money or property pledged to the Court as security for the bail.

If you breach the conditions of personal bond, your bond will be forfeited, and you will be required to pay the entire forfeited sum unless you can explain why you should not be required to pay the full sum forfeited.

If the Court forfeits a bail or personal bond, and orders the payment of all or part of the bond amount, payment must be made by the bailor, or accused person as required. Otherwise, it is possible that the Court may commit the bailor or the accused person to prison, as the case may be, for a term not exceeding 12 months.

If you breach your bail conditions, your bail may be revoked and the bail amount forfeited.

(10) How do I apply for permission to leave Singapore when I am on bail?

You can do so by making a formal application in writing, filing an online application in ICMS, or by submitting the standard application form available at the Bail Centre located at level 4 of the State Courts Towers. The application must state clearly the particulars, mention/pre-trial conferences (PTC)/trial date(s), Court at which the matter is fixed, duration of intended trip, destination and purpose of the trip.

Once the application is made, the Judge will consider the application. If the Judge agrees to hear the application, you will be informed of the date to attend Court.

On the date of the mention in Court, you and your bailor must turn up and you must state the reason(s) for the application. You must inform the Court of the intended destination(s) as well as the dates you will be leaving and returning to Singapore. Your bailor must also give his consent before the Court considers the application. The prosecution will have the opportunity to state its position on the application.

After hearing both sides, the Court may either refuse or grant permission subject to certain conditions. The prosecution may apply for the bail amount to be increased if

the application to leave jurisdiction is granted. The Court will thereafter decide whether to grant this application or not.

For the online filing of the application through ICMS, the same information such as the reason for the application and travel details are required to be furnished. For first-time application, you will be able to request a mention date from the available dates. On the mention date, the Judge will decide whether to approve the LEJUR (leaving jurisdiction) application. After this Court mention, and if the first LEJUR application is approved, and the surety also gives express consent for future LEJUR applications, any subsequent application filed via ICMS will be routed for review by the State Courts, dispensing the need for parties to appear in Court. Please monitor the status of your application by logging onto ICMS with your SingPass. If the application is not approved, you will be informed that you are not allowed to leave Singapore.

(G) Court Etiquette

You must observe basic Court etiquette when you are attending a Court hearing. Here are some guidelines to help you along.

	Do's	Don'ts
Preparation: Punctuality & Attire	DO arrive early to go through security clearance	DO NOT miss any Court date. A Warrant of Arrest may be issued if you fail to attend Court
	DO dress appropriately; office attire is recommended	DO NOT dress casually or wear clothes that may be revealing or offensive.
	DO approach the Information Counter (located at level 1) if you require assistance	DO NOT go to the wrong Courtroom
Preparation: Punctuality & Attire	DO bring 4 copies of all the documents (for the Judge, prosecution, witnesses and yourself) that you intend to use as evidence on the date of the trial	DO NOT wear non-religious headwear e.g. helmets, hats, caps or sunglasses to court.
	DO bring your original identification card, work permit, passport or other official means of identification	DO NOT wear uncovered footwear e.g. slippers

What to do upon arrival	DO confirm that you are in the right Court	DO NOT speak loudly once you enter the Courtroom
	DO inform the Court officer upon your arrival, especially if you are attending Court for a trial	DO NOT be impatient but wait for your turn to be called
	DO switch off or put your mobile phone to the silent mode	DO NOT answer telephone calls or reply to messages while the Court is in session
General behaviour in the Courtroom	DO bow towards the State Crest as you enter and leave the Courtroom while the Court is in session	DO NOT take photos as well as voice or video recordings
Addressing others in the Courtroom	DO address the Judge as "Your Honour"	DO NOT say anything rude, insulting or vulgar in Court
	DO address the Prosecutor as "the learned Prosecutor"	
	DO address witnesses by their surname e.g. Miss Tan or Miss Kamala	
Speaking in Court	DO speak clearly and slowly into the microphone as everything said in Court will be recorded	DO NOT slur your words
	DO wait for the interpreter to finish interpreting your previous sentence before continuing	DO NOT speak in a mix of languages if you are speaking through an interpreter
	DO wait for a question to be fully completed before answering	DO NOT interrupt others while they are speaking, especially the Judge. Wait for your turn to speak
Making or seeking clarifications	DO ask the Judge politely to allow you to clarify your answer if you wish to do so	DO NOT be afraid to seek clarification if you do not understand any questions
	DO take down details for further Court dates	DO NOT ask the Judge to give you legal advice; the Court cannot do so