# Guidebook for *Accused in Person*

## Navigating the Court Process

A Guide to Representing Yourself in Court

SG Courts

STATE COURTS SINGAPORE

COMMUNITY JUSTICE CENTRE

# Foreword

The State Courts are deeply committed to facilitating and equalising access to justice for all our court users. Knowledge and understanding of the criminal justice system are essential to effective self-representation by an accused person. In this regard, the State Courts seek to leverage technology to enable accused persons to locate key information in this Guide on the court processes and the criminal justice system easily, to enhance access to justice.

This Guide was first published by the State Courts in conjunction with the Community Justice Centre (CJC) on 1 November 2017, to empower self-represented accused persons by providing them with practical information on criminal procedure and court processes.

The State Courts and the CJC are pleased to collaborate again to publish the third edition of this Guide, which has been updated to cover changes to the criminal justice processes arising from the Courts (Civil and Criminal Justice) Reform Act 2021 and the Sentencing Advisory Panel Guidelines on Reduction in Sentences for Guilty Pleas.

I am deeply grateful to all those involved in the publication of this Guide for their hard work, unstinting support, and commitment to enhancing access to justice.

**Justice Vincent Hoong**
*Presiding Judge of the State Courts*
*Chairman of the Community Justice Centre*

# Preface

It has been the Tan Chin Tuan Foundation's privilege to support the Community Justice Centre in its efforts to improve access to justice for disadvantaged individuals who must navigate the legal system without representation. In collaboration with the State Courts, the first edition of the Guidebook for Accused in Person was launched in 2018.

Often, a self-represented accused person may fall through the cracks, unable to qualify for legal aid, yet also unable to afford private legal counsel. This Guide was created with the hope of empowering such individuals by providing clear, essential information to help them better understand and manage their own defence. It gives me great pride to note that many have benefitted from it over the years.

This third and enhanced edition has been updated to ensure the content remains current, accurate, and relevant. It also introduces clearer explanations and helpful infographics to demystify complex legal processes, making it even more accessible to the layperson.

We hope this Guide will continue to be a valuable resource for those who need it most.

**Chew Kwee San**
*Council Member, Tan Chin Tuan Foundation*
*Founding-Member of the Community Justice Centre*

# Content


Chapter 01 — AN OVERVIEW

A Flow Chart of the Criminal Process 7
How Do I Use This Book? 8

Chapter 02 — ESSENTIAL INFORMATION FOR THE SELF-REPRESENTED ACCUSED

Should I Hire a Lawyer? 10
Where Can I Get Legal Advice? 10
Useful Legal Resources 12
Pleading Guilty Versus Claiming Trial 13
Adjournments 14
Bail/Personal Bond 15
Court Etiquette 21

Chapter 03 — MENTIONS COURTS

Flow Chart for Mentions Court 24
Introduction 25
Proceedings at the Criminal Mentions Courts 25
Night Courts – Regulatory and Minor Traffic Offences 28
Pleading Guilty by Letter 31

Chapter 04 — PRE-TRIAL CONFERENCES

A Flow Chart of the Criminal Process in Brief 34
Pre-Trial Conference (PTC) 35
Criminal Case Disclosure Conference (CCDC) 35

Chapter 05 — TRIALS

What is a Trial? 40
What is Evidence? 40
How Should I Prepare for a Trial? 40
What Happens During a Trial? 43

Chapter 06 **SENTENCING**

Types of Sentences 54

Community Courts and Community-Based Sentences 58

The Sentencing Procedure 61

Mitigation Checklist 65

Newton Hearing 68

Chapter 07 **APPEAL**

What is an Appeal? 70

The Appeal Procedure 70

Stay of Execution for Sentences and Bail Pending Appeal 72

Chapter 08 **INTEGRATED CASE MANAGEMENT SYSTEM (ICMS)** 73

Chapter 09 **FREQUENTLY ASKED QUESTIONS (FAQ)** 75

Chapter 10 **GLOSSARY** 80

Chapter 11 **USEFUL LINKS** 85

Chapter 12 **SAMPLE FORMS** 90

# 01

## AN OVERVIEW

A bird's-eye view of the criminal process and how to use this guidebook.

# A Flow Chart of the Criminal Process

**Mentions Courts** – Your charge will be read and explained to you. You will give your plea, which means stating whether you plead guilty or not guilty.

*Claim Trial*

**Pre-Trial Conference (PTC)** – If you do not wish to plead guilty, you will have to claim trial. Your case will then be transferred to a PTC. During the PTC, the Judge will give directions to prepare the case for trial.

*CCDC Required*

*No CCDC Required*

*Plead Guilty*

**Criminal Case Disclosure Conference (CCDC)** – This is a formal process where both you and the Prosecution must share information about your cases before trial.

**Trial** – At trial, the Judge will assess the evidence and decide whether to convict or acquit you on the charge. If convicted, the Judge will also sentence you.

*Plead Guilty*

*Plead Guilty*

**Plead Guilty (PG) Courts** – If you wish to plead guilty, your case will be transferred to a PG Court for you to plead guilty and be sentenced.

**Decision**

*Satisfied*

*Dissatisfied*

**Appeal** – If you are unhappy with the outcome, you can file an appeal within 14 days. This option is also available to the Prosecution.

**End**

Matter is concluded.

Compulsory  Optional

# How Do I Use This Book?

## Must-read

"Chapter 2 – Essential Information for the Self-Represented Accused" contains important and useful information which every self-represented accused should be familiar with. You are strongly encouraged to read Chapter 2, regardless of which stage of the proceedings you may be at.

### "I want to know what will happen during my Court hearing."

Each stage of the criminal proceedings has a chapter dedicated to it. If your case is currently heard in the Mentions Courts, including the Night Courts, you can refer to "Chapter 3 – Mentions Courts".

If your case has been fixed for a PTC, you will find "Chapter 4 – Pre-Trial Conferences" relevant to you. If you are preparing for a trial, you should refer to "Chapter 5 – Trials". If you are being sentenced, you should refer to "Chapter 6 – Sentencing".

### "I want to admit to the charges."

Information on pleading guilty, sentences and the sentencing procedure can be found in "Chapter 6 – Sentencing".

### "I did not commit the offences. I want to fight the case!"

"Chapter 2 – Essential Information for the Self-Represented Accused" contains useful information on where you may seek legal advice, some of which are free. "Chapter 5 – Trials" will give you information on the trial process.

### "I am unhappy with the decision of the Court."

"Chapter 7 – Appeal" will provide you with information on how to lodge an appeal.

### "How do I e-file my documents in Court?"

A quick guide is found in "Chapter 8 – Integrated Case Management System (ICMS)".

### "I have some questions on my mind or I want to know the meaning of some legal terms."

You may find the answers in "Chapter 9 – Frequently Asked Questions (FAQ)" and "Chapter 10 – Glossary". If you are unable to find your answer, you may contact the State Courts' Call Centre at 6587 8423 (6-JUSTICE) or 1800 5878423 (1800 JUSTICE), or online at https://www.judiciary.gov.sg/contact-us. Please note that as a Court of adjudication, the Courts will not be able to offer legal advice, comment or respond to queries about the merits of any case.

### "I feel anxious and depressed about the case."

There is emotional help and support available for you. Please call the helplines listed in "Chapter 11 – Useful Links".

# 02

## ESSENTIAL INFORMATION
### *FOR THE SELF-REPRESENTED ACCUSED*

The information provided in this chapter is essential for any accused person. The considerations on whether and how you should hire a lawyer would be addressed. Perhaps the most important decision for you, whether to plead guilty or to claim trial, would be explained.

## 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.

## Where Can I Get Legal Advice?

### 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.

### Pro Bono SG – Criminal Legal Aid Scheme (CLAS)

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

Generally, CLAS covers all criminal offences except the following:

1. **Offences punishable by death**
2. **Regulatory infractions (e.g., traffic summons) and departmental charges**
   Excluded offences that are regulatory in nature are as follows:

- Advance Medical Directive Act 1996
- Child Development Co-Savings Act 2001

- Customs Act 1960
- Employment Act 1968
- Employment Agencies Act 1958
- Employment Claims Act 2016
- Employment of Foreign Manpower Act 1990
- Fire Safety Act 1993
- Foreign Employee Dormitories Act 2015
- Goods and Services Tax Act 1993
- Health Products Act 2007
- Health Promotion Board Act 2001
- Health Sciences Authority Act 2001
- Immigration Act 1959
- Infectious Diseases Act 1976
- Insolvency, Restructuring and Dissolution Act 2018
- Medical and Elderly Care Endowment Schemes Act 2000
- Medicines (Advertisement and Sale) Act 1955
- Medicines Act 1975
- Moneylenders Act 2008 (except for Sections 19 and 47)
- National Registration Act 1965
- Passports Act 2007
- Personal Data Protection Act 2012
- Poisons Act 1938
- Registration of Births and Deaths Act 2021
- Regulation of Imports and Exports Act 1995
- Retirement and Re-employment Act 1993
- Road Traffic Act 1961 (except for Sections 64 and 65)
- Sale of Drugs Act 1914
- Singapore Armed Forces Act 1972
- Termination of Pregnancy Act 1974
- Tobacco (Control of Advertisements and Sale) Act 1993
- Traditional Chinese Medicine Practitioners Act 2000
- Work Injury Compensation Act 2019
- Workplace Safety and Health Act 2006
- Town Councils Act 1988
- Bankruptcy Act (Cap 20, 2009 Rev Ed)
- Pawnbrokers Act 2015

### 3. Offences prosecuted by private individuals

A volunteer lawyer will be appointed to represent an accused person if they satisfy CLAS' means and merits test and they are facing offences which fall under CLAS' purview.

You may find more information on CLAS from this website https://www.probono.sg/get-legal-help/legal-representation/. The Pro Bono SG website also provides information on community legal clinics. Alternatively, you may also contact them by phone, email, or by visiting them at their office.

**Pro Bono SG's Criminal Legal Aid Scheme (CLAS)**

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

**Telephone**
6536 0650

**Email**
clas@probono.sg

### Public Defender's Office (PDO)

If you are Singaporean or Permanent Resident, and unable to afford a lawyer, you may also seek legal assistance from the PDO. Similar to CLAS, you will need to satisfy PDO's means and merits test and face offences covered under the Public Defender's Office Act.

Generally, the PDO will not provide legal assistance for criminal offences relating to:

1. Offences punishable by death;
2. Offences that are regulatory in nature (for e.g., traffic summons) and departmental charges;
3. Excluded offences relating to gambling, terrorism, organised and syndicated crimes under the following Acts:

- Betting Act 1960
- Casino Control Act 2006
- Common Gaming Houses Act 1961
- Gambling Control Act 2022
- Massage Establishments Act 2017
- Organised Crime Act 2015
- Remote Gambling Act 2014
- Terrorism (Suppression of Bombings) Act 2007
- Terrorism (Suppression of Financing) Act 2002
- Terrorism (Suppression of Misuse of Radioactive Material) Act 2017

4. Offences prosecuted by private person.

You may find more information on PDO from their website: https://pdo.mlaw.gov.sg/. Alternatively, you may also contact them by phone or by visiting them at their office.

**Public Defender's Office (PDO)**

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

**Telephone**
1800-225-5529

### 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.

## Useful Legal Resources

The criminal section on the Singapore Judiciary website (https://www.judiciary.gov.sg/criminal) provides useful information about criminal cases, including a step-by-step guide on the criminal court process.

If you are representing yourself, you may wish to refer to Singapore Statutes Online (https://sso.agc.gov.sg/) for any legislation, which include:

| Resource | Description |
|---|---|
| Penal Code | A statute that sets out and consolidates the law in relation to criminal offences |
| Criminal Procedure Code | A statute that sets out the law in relation to criminal procedure |
| Evidence Act | An Act relating to the law of evidence |

Do note that the Court has moved 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)".

## Pleading Guilty Versus Claiming Trial

As an accused, the fundamental issue you would have to consider is whether you wish to plead guilty, or claim trial to the charge(s).[1] The table below explains the difference between pleading guilty or claiming trial.

| Pleading Guilty | |
|---|---|
| You admit to committing the offence(s) as stated in the charge(s) | You can appeal against your sentence but not your conviction |
| You agree with essential facts as stated in the "Statement of Facts" (commonly also known as the "SOF") | You will not be allowed to contest the charge(s) or claim trial after you have been convicted and sentenced |
| You will be convicted by the Judge without a trial if the admitted facts make out every element of the charge | You may receive a discount[2] on your sentence for an early plea of guilt |

[1] 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.

[2] For more information, refer to "Chapter 6 – Sentencing" on "Guidelines on Reduction in Sentences for Guilty Pleas".

| Claiming Trial |
| --- |
| You dispute the charge(s) against you |
| You disagree with essential facts stated in the SOF |
| A trial date is fixed for the Prosecution to prove the charges against you. You may defend yourself or engage a lawyer to do so on your behalf. |

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

If you choose to plead guilty in Court, the Prosecution will read out the Statement of Facts (SOF) relating to the charge(s), and state any previous convictions that you may have. If you admit to the SOF without qualification, the Court will record your plea of guilt and convict you on the charge(s).

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 – Sentencing".

## 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 or the Court may not 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 |
| --- | --- |
| For further investigations | To consult/engage a lawyer, including applying to CLAS |
| To obtain the directions of the Attorney-General's Chambers (AGC) on the case | To make representations to the Prosecutor or request for CCMS[3] |
| To apply for reports such as medical reports or Health Sciences Authority reports | To raise funds |
| | To compound the matter |
| To review and reply to the representations made by the accused | To settle personal affairs before serving sentence |

[3] 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.

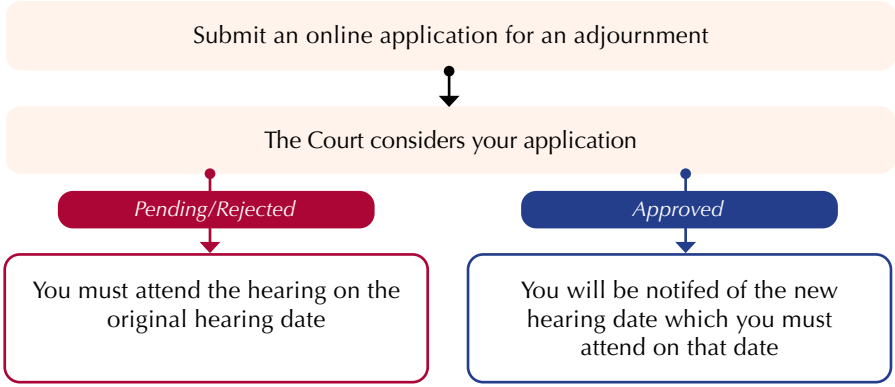
You may apply for an adjournment through the following ways:

### 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.

### 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. If your request is approved, the new date and time for the Court hearing will be shown in ICMS. If your application is either pending or rejected, you MUST attend the Court hearing originally scheduled. If you miss this Court hearing, a Warrant to Arrest may be issued against you. For more information on ICMS, refer to "Chapter 8 – Integrated Case Management System (ICMS)".




## Bail/Personal Bond

### What is Bail/Personal Bond?

If you are arrested and charged in court, you will be in Prison's custody while the court case is ongoing unless the Court releases you on bail or personal bond.

**Processing of Bail/Personal Bond**

Accused will be brought to State Courts lockup

↓

**If Bail is offered**
Potential Bailor (PB) heads to Bail Centre at L4 State Courts

↓

Bail Officer (BO) explains bail/bond conditions, bailor's duties and consequences of breaching conditions/duties to PB/accused

↓

PB/Accused may be brought before Magistrate for review

↓

If Magistrate's approval is granted, bail will be processed and accused will be released from lockup

**If Bail is Granted**

Your bailor(s) (also known as surety/sureties) would have to provide security for the bail amount ordered by the Court, then subject to approval by the Magistrate, you will be released on bail. **Thereafter, your bailor(s) has/have a duty to ensure that you attend court as required.**

**If Personal Bond is Granted**

You would have to provide security for the bond amount ordered by the Court, then subject to approval by the Magistrate, you will be released on personal bond. **Thereafter, you have a duty to attend court as required.**

## Bail/Personal Bond Conditions

Bail/personal bond will often be granted with conditions attached. You must obey the conditions. Otherwise, your bail/personal bond may be revoked.

**Conditions That are Usually Imposed**

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

**Other Common Conditions**

1. You are not to contact the victim(s) directly or indirectly.
2. You must attend treatment sessions specified by the Court.
3. You must be subject to electronic monitoring.

**Additional Conditions That May Be Imposed if You are Below 21**

1. Only your parent or guardian may be your bailor.
2. Time curfew for you to remain indoors.
3. You are to attend school/national service regularly.

## How is the Bail/Personal Bond Amount Determined?

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

1. The type, number, and seriousness of the charges.
2. The punishments prescribed for the offences.
3. Whether you are a flight risk.

## What Type of Security May Be Furnished?

The following is a general guide as to the types of security that the Court may require:

**Monetary Bail**

For bail/bond amounts above $15,000, security is generally provided by means of cash or cash equivalent (such as a cashier's order).

**Non-Monetary Bail**

For bail/bond amounts of $15,000 and below, security may be provided by pledging personal property such as jewellery or furniture (provided these items belong to the bailor and have been fully paid for).

## Who Can Be My Bailor?

Singaporean Citizen or Permanent Resident

Not a bankrupt

21 years and above

No pending criminal charges

Even if all the above conditions are met, the Court makes the final decision on whether a person is allowed to be a bailor. For example, if the Court does not believe that your proposed bailor is able to ensure that you attend all future court events, the Court may not allow him/her to bail you out.

### How Does My Bailor Bail Me Out?

If 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. When you call your proposed bailor, please inform him/her to bring along the following:

- Proposed bailor's NRIC or passport
- Accused's passport (if not expired/lost/in police custody)

**If Non-Monetary Bail is Ordered**

Receipts or other documents to prove ownership and value of the personal property that the proposed bailor is pledging.

**If Monetary Bail is Ordered**

1. Proposed bailor's original bank book, balance enquiry slip or bank e-statement updated on date of application (if pledging monies in a savings account).
2. Original deposit slip (if pledging monies in a fixed/time deposit).

Your proposed bailor must go to the Bail Centre at Level 4 of the State Courts Towers. During processing, the Bail Officer will brief your proposed bailor on the conditions of the bail and check that all the conditions of the bail can be complied with.

Once your proposed bailor understands his/her duties, agrees to them, and furnishes security for the bail, your proposed bailor may be brought before a Magistrate for an interview. The Magistrate may reject the application if he/she finds that the proposed bailor is unsuitable. If the application is approved, arrangements will be made for you to be released.

### How Do I Provide Personal Bond for My Own Release?

If personal bond is granted, a Bail Officer will brief you on the conditions of the personal bond and check whether you are able to provide security for the bond. If the application is approved, you will be released.

### What are the Bail Centre's Operating Hours?

The Bail Centre's operating hours are as follows:

| Monday to Thursday | Friday |
|---|---|
| 8.30am to 1.00pm<br>*(last registration at 12.30pm)* | 8.30am to 1.00pm<br>*(last registration at 12.30pm)* |
| 2.00pm to 6.00pm<br>*(last registration at 5.00pm)* | 2.00pm to 5.30pm<br>*(last registration at 4.30pm)* |
| **Saturday** | |
| 8.30am to 1.00pm *(last registration at 12 noon)* | |

Please inform your proposed bailor to register at the Bail Centre before the last registration time. If not, your bail application may only be registered for processing on the next working day. You would then have to remain in remand until your bail has been processed and approved.

### 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 conclusion of your court case.

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 breaching your bail conditions, your bailor may be asked to explain why the Court should not forfeit the entire bail amount and your bailor may lose all or part of the money or property pledged to the Court as security for the bail.

If you breach the conditions of personal bond, your bond amount 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 do so.

If the Court forfeits a bail/personal bond amount and orders the payment of all or part of the bail/bond amount, payment must be made by the bailor (for bail) or you (for personal bond). Otherwise, the Court may order the bailor or you to serve an imprisonment term not exceeding 12 months.

**If you breach your bail/personal bond conditions, your bail/personal bond may be revoked and the bail/personal bond amount may be forfeited.**

## How Do I Apply for Permission to Leave Singapore When I Am on Bail?

You can do so in one of the following ways:

- Filing an online application in ICMS
- Sending an email to contact@judiciary.gov.sg
- Submitting a hardcopy form available at the Service Hub located at Level 2 of the State Courts

Your application must contain the following details:

- Your name and NRIC/FIN/PPT number
- Your case number
- The destination(s), departure and return dates, purpose of your intended trip(s) and any supporting documents

The Judge will consider your application and if he/she decides to fix a mention to hear you on your application, you will be informed of the date to attend court. For online applications in ICMS, please monitor the status of your application by logging onto ICMS with your SingPass.

You and your bailor must attend the court mention and you must state the reason(s) for your application. You must inform the Court of your intended destination(s) as well as the dates on which you will be leaving and returning to Singapore. Your bailor must also give his/her consent before the Court considers your application.

You are advised not to make any last-minute application to ensure that the Prosecution will have the opportunity to consider and state its position on your application. The Prosecution may apply for the bail amount to be increased if your application to leave Singapore is granted.

After hearing both sides, the Court may either refuse or grant permission subject to certain conditions. If your application is granted, your bailor would need to head to the Bail Centre at Level 4 of the State Courts for the bail order to be processed. If the bail amount is increased, your bailor should ensure that he/she has the additional security that is required. If not, you may need to look for another bailor. Your bailor may not be allowed to travel together with you.

## Court Etiquette

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

### Preparation: Punctuality & Attire

| Do's | Don'ts |
|---|---|
| DO arrive early to go through security clearance | DO NOT go to the wrong Courtroom |
| DO dress appropriately; office attire is recommended | DO NOT wear uncovered footwear e.g. slippers |
| DO approach the Information Counter (located at Level 1) if you require assistance | DO NOT dress casually or wear clothes that may be revealing or offensive. |
| 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 miss any Court date. A Warrant to Arrest may be issued if you fail to attend Court |

### What to Do Upon Arrival

| Do's | Don'ts |
|---|---|
| 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's | Don'ts |
|---|---|
| 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's | Don'ts |
|---|---|
| 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" or by his/her surname | |
| DO address witnesses by their surname e.g. Miss Tan or Miss Kamala | |

### Speaking in Court

| Do's | Don'ts |
|---|---|
| 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 interrupt others while they are speaking, especially the Judge. Wait for your turn to speak |
| DO wait for a question to be fully completed before answering | DO NOT speak in a mix of languages if you are speaking through an interpreter |

### Making or Seeking Clarifications

| Do's | Don'ts |
|---|---|
| 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 |

You can obtain more information about attending court sessions on the Singapore Judiciary website (https://www.judiciary.gov.sg/attending-court).

# 03

## MENTIONS COURT

Mentions Court is the first Court you will attend. You will give your plea which means stating whether you plead guilty or not guilty to the charge(s) against you. Read through this chapter to find out about the process of Mentions including the Night Courts.

# Flow Chart for Mentions Court

**Stage 1 – Being Called for Mentions**

Notice, Summons or Bail Bond will be issued. It will state the date and time you are required to appear in Court. Please bring along your identification document(s), which bears your photo and personal particulars (NRIC/Driver's Licence).

Mentions for regulatory and minor traffic offences are dealt with via the Night Courts.

**Stage 2 – After Arriving at the Courts**

When you arrive at the State Courts, you may approach the Information Counter for assistance if you need help to locate the Mentions Court.

Register at the kiosk located at the same level as the Courtroom for your mentions.

**Stage 3 – During the Mentions – Reading of Charges**

Listen for your name or your organisation's name and stand up when called. Show the Court Officer your identification document(s). The interpreter will confirm your preferred language.

The charge and prescribed punishment will then be read and explained. Make sure you understand both.

**Stage 4 – During the Mentions – After Reading Charges**

The Judge may make the following orders:

**Plea Be Taken**

The Court is asking you to indicate whether you wish to plead guilty, or to claim trial

**Order of Remand**

The stage where an accused is held in custody

**Adjourn** the case to a later date

**Bail** may be offered

# Introduction

## What is a Criminal Mentions Court?

A Criminal Mentions Court is the first Court where an accused person in a criminal case will have to personally attend to be formally charged for an offence. The charge will be read and explained to you and you will be asked whether you wish to plead guilty or claim trial to the charge. The Criminal Mentions Courts include both the day Mentions Courts (Day Courts) and night Mentions Courts (Night Courts).

# Proceedings at the Criminal Mentions Courts

## 1. Being Called to Attend a Court Mention

When the Prosecution is ready to charge you officially, you will be required to attend a Court mention. The Mentions Court that you are required to attend is stated on the Notice, Summons, or Bail Bond issued to you. It will also state the date, time, and location you are required to appear in the Mentions Court. If you have a bailor, he/she should attend Court with you.

If you are charged in your personal capacity, please bring along your identification document which bears your photo and your personal particulars (e.g. NRIC, passport or driver's licence).

If you are attending Court on behalf of an accused body corporate, limited liability partnership, partnership or unincorporated association ("organisation"), please bring along your identification document as well as a valid letter of authorisation[1] for each hearing as proof that you are duly authorised to represent the organisation.

**Court attendance is compulsory.**

If you fail to attend Court, a Warrant to Arrest may be issued against you. In certain cases involving traffic offences, you may also be disqualified from holding or obtaining a driving licence until the cases against you have concluded, or for such other period as the Court thinks fit.

If you fail to attend Court while on bail, your bailor will have to explain to the Court whether he/she took reasonable steps to comply with his/her duties as a bailor and why the bail amount, which may include any money or property pledged as security for bail, should not be forfeited.

If you have a valid reason for being unable to attend Court on the date and time stated, you must apply by either writing to the Court or via the ICMS to change the hearing date.

If you are ill on the day of your Court hearing, you will need to provide an original medical certificate (MC) from a medical practitioner that specifically states that you are

[1] The letter of authorisation (LA) should comply with the requirements set out in s117(6) of the Criminal Procedure Code 2010. The LA should be printed on the official letterhead and signed off by the director/partner, manager, company secretary or other officer of the company. For unincorporated associations, the LA should be signed off by the president, secretary or any member of the committee. An ACRA search is insufficient.

medically unfit to attend Court due to your illness. If you are hospitalised, a hospital memo confirming your hospitalisation will be required. If you are on bail, you should arrange for your bailor to submit the medical documents to the Court on the day of your Court mention.

**If you fail to attend Court, a Warrant to Arrest may be issued against you. The bail amount may also be forfeited.**

### 2. Attending the Court Mention

When you arrive at the State Courts on the day of your Court mention, you may refer to the building directory or approach the Information Counter for assistance to locate the Mentions Court. When you arrive at the Mentions Court, register your attendance at the registration kiosks located at the same level outside the Courtroom before entering. You are expected to dress appropriately and observe Court etiquette when attending a Court session. Please refer to "Chapter 2 – Essential Information for the Self-Represented Accused" on "Court Etiquette".

### 3. Reading of Charge

At the Mentions Court, you will see many other cases being heard. Listen out for your name or the name of the organisation that you are representing and stand up when called. Show the Court Officer your relevant identification document(s). You may then be asked to stand in the dock when your case is being mentioned. Before any charge against you is read, an interpreter will ask for the language of your choice. The charge and its prescribed punishment for the offence will be read to you in the language you have chosen. If you do not understand what the charge against you means, you may wish to ask for clarification. If there is more than one offence, each offence will be stated in a separate charge.

**The Charge**

The charge is an official document prepared by the Prosecution. The form of the charge will state:

The offence

The provision of the law against which the offence is said to have been committed and its prescribed punishment

Details of the offence including the date, time and place of the offence as well as any person against whom or thing in respect of which it was committed

**It is of utmost importance that you bring along your official photo identification document to verify your identity.**

## 4. After the Charge Has Been Read

Once the charge has been read to you, the Judge may make any of the following orders:

**Direct That Plea Be Taken**

This means that the Court will ask you to indicate whether you wish to plead guilty, or to claim trial. For more information on pleading guilty versus claiming trial, please refer to "Chapter 2 – Essential Information for the Self-Represented Accused" on "Pleading Guilty versus Claiming Trial".

**Order of Remand**

Remand is the stage where an accused is held in custody. There are 2 scenarios where you may be remanded:

1. The Prosecution may apply for you to be remanded for the purpose of investigations or psychiatric observation and treatment. The Court will consider whether to grant the application based on the merits and in accordance with established legal principles. If the Court is satisfied that such an order is appropriate, an order of remand will be made.
2. There may be cases where no bail is offered by the Court. In cases where bail is offered but not furnished, you will be remanded in prison until bail is furnished or the case is concluded, whichever is earlier.

**Adjourn the Case to a Later Date**

This usually happens when either you or the Prosecution asks for an adjournment, e.g. for the Prosecution to complete investigations or for you to engage a lawyer to seek legal advice. The application will be considered on its merits and in accordance with the law. If the case is adjourned to another date, you will receive a mention slip with the venue, date and time of your next Court hearing. For more information on adjournments, please refer to "Chapter 2 – Essential Information for the Self-Represented Accused" on "Adjournments".

**Bail**

The Court will also decide if you can be released on bail until the next hearing. If you have an existing agency bail, this may be extended or you may be offered Court bail or your bail may be increased. The Court may order for your passport to be impounded as one of the bail conditions. You should bring along a bailor together with your passport at your first appearance at the Mentions Court, in the event you need someone to bail you. For more information on bail, please refer to "Chapter 2 – Essential Information for the Self-Represented Accused" on "Bail".

### Community Court Conference (CCC)

In cases involving certain offenders, e.g. youthful offenders or offenders with mental illnesses or intellectual disabilities or certain types of offences e.g. domestic violence, the Court may direct the offender to attend a CCC at the State Courts Centre for Specialist Services (CSS). The CSS provides counselling and psychological services, which include brief assessments and interventions such as social needs assessments, crisis interventions and support counselling to support the Court. Through these assessments, offenders and their family members may be linked up to the appropriate community agencies to address their needs.[1]

| What Happens if I Decide to Plead Guilty (PG)? | What Happens if I Decide to Claim Trial? |
|---|---|
| For certain types of cases, if you decide to plead guilty, the Mentions Court may be able to hear the case and decide on whether you are guilty of the offence, and pass sentence on you, e.g. traffic or regulatory offences. Otherwise, the Mentions Court will usually transfer your case to be heard by a Sentencing Court, also known as the PG Courts, at the next hearing. Sufficient time will be given for you to prepare your mitigation plea before the PG Mention. You will receive a mention slip with the venue, date and time of your PG Mention. For information on Sentencing, please turn to "Chapter 6 – Sentencing". | In the event you decide to claim trial, your case will be fixed for a PTC to prepare you and the Prosecution for the trial. The case will be transferred from the Mentions Court to the PTC Centre for the next hearing. You will receive a mention slip with the venue, date and time of your PTC. For more information on the PTC, please refer to "Chapter 4 – Pre-Trial Conferences". |

## Night Courts – Regulatory and Minor Traffic Offences

### Why are the Mentions Held in the Evening?

Mentions for regulatory and minor traffic offences are usually dealt with via the Night Courts. The Night Courts were established in 1992 and function during the evening for the convenience of members of the public, so as to assist those who may have to otherwise take a day off from their work.

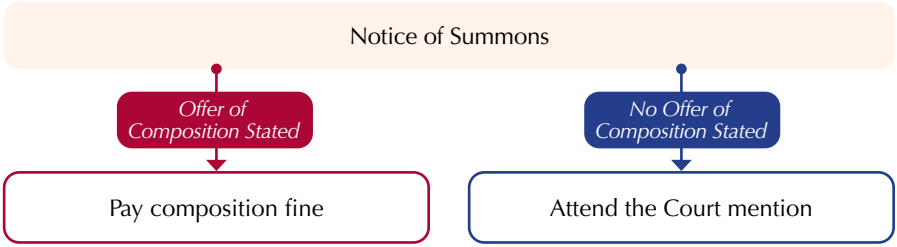
Proceedings for regulatory and minor traffic offences are usually commenced by way of a Notice to Attend Court (Notice) or Summons. The Notice or Summons will state which Court you are required to attend and the date and time you are required to appear in Court for the Mention.

[1] E.g. of a programme for youthful offenders charged with an offence in the State Courts is the Early Engagement for Youth under 21 (EE21), which seeks to assist in the youths' rehabilitation by engagement and support. See under "Chapter 11 – Useful Links" on "Emotional Help and Support".

**Regulatory offences** include smoking in prohibited areas, littering, vaping, urinating in public, illegal food hawking, damage to or dumping on or unlawful use of common property, failing to pay conservancy fees or employee CPF contributions or file annual returns. The prosecuting agencies include the National Environment Agency (NEA), Health Sciences Authority (HSA), Central Provident Fund Board (CPFB), Accounting and Corporate Regulatory Authority (ACRA), Inland Revenue Authority of Singapore (IRAS), Singapore Food Agency (SFA), JTC Corporation (JTC) and the various Town Councils (TCs).

**Minor traffic offences** include speeding, illegal parking, beating the red light, failing to pay ERP charges, overloading of heavy vehicle, inconsiderate or handphone driving or offences relating to active mobility devices. The prosecuting agencies include the Traffic Police (TP), Land Transport Authority (LTA), Housing and Development Board (HDB) and Urban Redevelopment Authority (URA).

Depending on the nature of the regulatory or traffic offence, you will have to either pay the offer of composition or attend Court. A regulatory offence is generally considered minor if there is an offer of composition stated on the Notice or Summons you receive. If there is no offer of composition stated on the Notice or Summons, you are required to attend the Court mention, which may be at the Night Courts or Day Courts.




## Composition of Offences for Night Courts' Cases

An offer of composition is the sum of money you need to pay to settle your case without going to Court. You may compound an offence if composition is offered by the prosecuting agency. Payment should be made before the expiry date of the offer of composition, and in any event before the date of the Night Court mention. Otherwise, you will have to attend the Night Court.

For minor traffic offences prosecuted by the TP, LTA, HDB and URA, you may compound the offence at the Automated Traffic Offence Management System (ATOMS), which is found in all AXS kiosks located island-wide, on the AXS website or through the AXS app. Payment via AXS can be made with NETS or credit cards, and is a convenient way of paying the composition fine.

If the offer of composition has expired, you can still use ATOMS to settle your case by pleading guilty electronically to the traffic offence and paying the Court fine stated by 5.00pm on the Court date stated in your Summons or Notice.

For regulatory offences, you can pay the offer of composition through the AXS kiosks, website or app after you receive a Summons or Notice from a prosecuting agency.

If you do not compound the offence but choose to attend the Night Courts and plead guilty, the Court fine imposed will generally be higher than the amount offered for composition.

The offer of composition can also be withdrawn by the prosecuting agency, e.g. when you fail to attend Court and a Warrant to Arrest is issued.

It is therefore in your interest to check with the respective prosecuting agencies for more information on the composition of your offence and where composition is offered, to compound early. If the AXS System does not allow you to compound by making payment, this may mean that the composition offered has expired, been withdrawn, or payment can only be made at the prosecuting agency's office.

### What if I Need Some Time Before I Can Pay the Fine?

You may access the ICMS online before the time of your mention, using your SingPass, and make an online request for adjournment, indicating the reason for requesting an adjournment. If you make an application on ICMS for an adjournment, you should monitor the status of the application on ICMS. If the application is granted, you will receive a notification on ICMS informing you of the adjourned Court date. If your application is rejected, you should attend the Night Court mentions as required. Otherwise, a Warrant to Arrest may be issued against you.

Adjournments at an early stage of Court proceedings may be granted at the Court's discretion to allow you to raise funds to pay the fine and settle your case. Repeated requests for adjournments for the same purpose are unlikely to be granted. For more information on making an online application for adjournment on ICMS, you may wish to refer to "Chapter 2 – Essential Information for the Self-Represented Accused" on "Adjournments".

### What if I Want to Appeal to the Prosecuting Agency Who Issued Me the Notice or Summons?

You may wish to submit an appeal or make representations to the prosecuting agency on your case or to allow you to compound if the offer of composition has expired or been withdrawn. Before you submit your representations, you should check the mode of submission, e.g. via online e-portal or email as this may be different for each prosecuting agency. For the official websites of the relevant prosecuting agencies, you may wish to refer to "Chapter 11 – Useful Links".

In your representations, you may wish to state your reasons or circumstances with any supporting documents. Keep a record of your representations, together with any acknowledgment by the prosecuting agency on the submissions of your representations, for the purpose of any Court hearing.

### What Happens During the Mentions in the Night Courts?

On the day of the Court mention, you should bring along your Notice to Attend Court, Summons, Bail Bond or any such related document when you attend Court. It is important that you keep track of your Court dates as Court attendance is compulsory. Similar to the Day Courts, you will be required to register at the registration kiosks outside the Night Courts. Thereafter, the procedure of the hearing is similar to a hearing in a Court Mentions in the Day Courts. You can refer to "Proceedings at a Criminal Mentions Court" Section of this chapter for more information.

### Will My Case Always Be Heard in the Night Courts?

No. The Judge may decide to transfer the case to the Day Courts if:

You decide to claim trial; or

The Judge is of the view that it is more appropriate for the matter to be managed through the Day Courts instead.

If your case was heard in Court 4BN and it involves a traffic offence, your case will be heard in the Day Court 7B. If your case was heard in Court 4AN or 4BN and it involves a non-traffic or any other type of regulatory offence, your case will be heard in the Day Court 7A. Regardless of whether your case is adjourned to the Night Courts or transferred to the Day Courts, the Court will let you know the date, time, and venue of your next Court session with a mentions slip.

## Pleading Guilty by Letter

### Can I Plead Guilty by Letter if I admit That I Have Committed the Offence?

Yes, if the Magistrate has issued a summons to you in relation to an offence punishable by a fine only, or by imprisonment of 12 months or less, or by both; and

You agree to pay any fine that may be imposed for the offence.

### How Do I Plead Guilty by Letter?

You may write a letter to the Court to plead guilty to your offence and agree to pay any fine which may be imposed in respect of that offence. That letter must be addressed to the Court where the case is fixed for mention and include your postal address so that the Court can inform you of the sentence imposed.

You will need to follow these steps:

Write a letter stating your intention to plead guilty to your offence and agreement to pay any fine which may be imposed for the offence.

Include your name, postal address, identity card (NRIC) number, case number, the original Court date and the Court in which your matter is fixed.

Submit the letter to the following address

**The Registrar State Courts**

1 Havelock Square Singapore 059724

## What Will the Court Do When Such a Letter is Received?

The Court may record a plea of guilty against you, and convict you according to the law. If so, the Court will sentence you to a fine with or without a sentence of imprisonment in default of payment of the fine by the due date stated.

However, the Court may also direct that you attend Court on a specified date, time, and venue. You must attend the hearing if directed to do so.

A term of imprisonment will not be imposed by letter and if a Court decides to impose a term of imprisonment, it will require you to attend Court in person. In that event, the Court will send a letter to inform you to attend the next hearing,

## What Happens Thereafter?

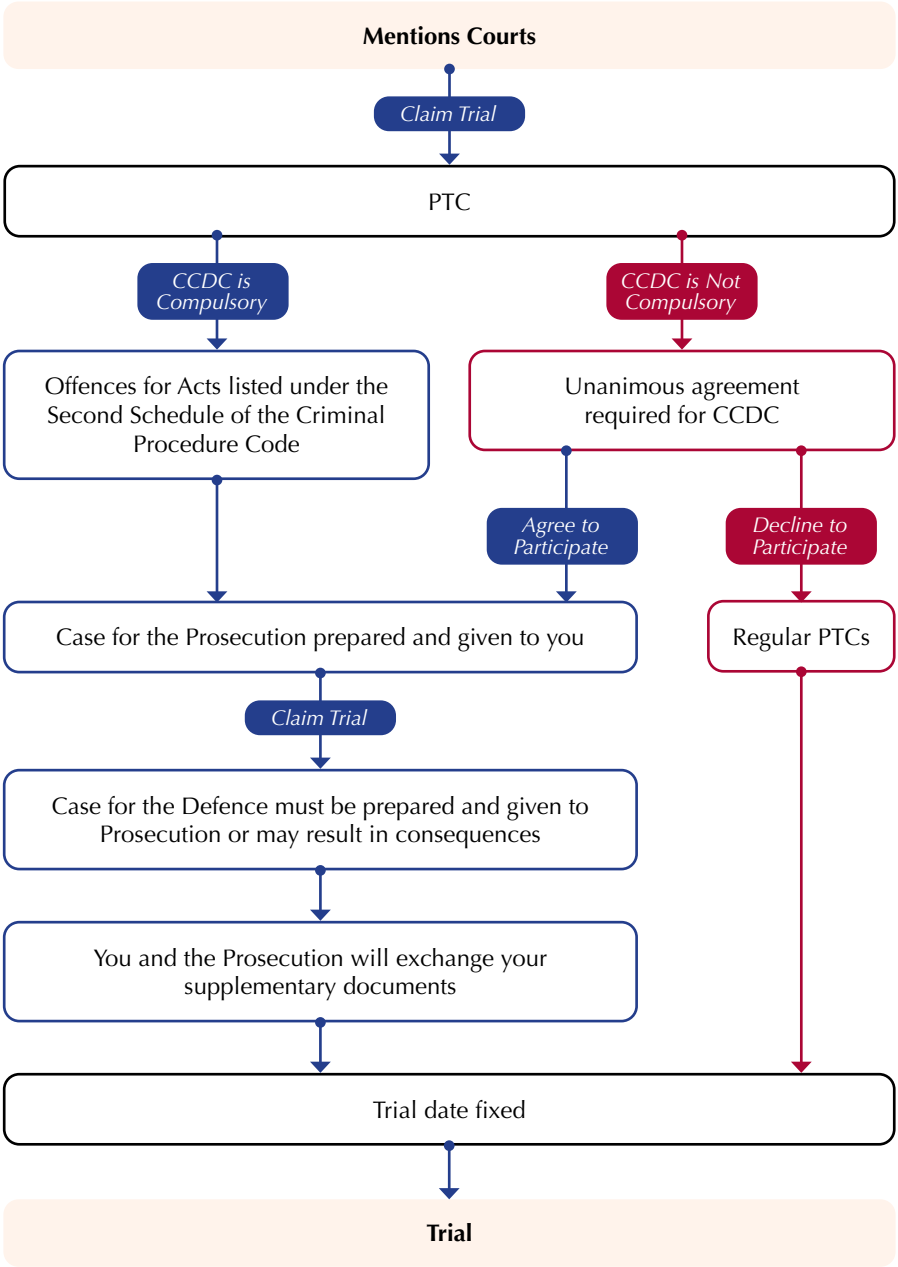
You will be notified of the Court's decision by letter sent by registered post. Any fine imposed must be paid within 7 days from the date on which the Court's letter was posted. Payment may be made via the SG Courts' online payment portal (www.judiciary.gov.sg/services/e-platforms/online-payment-portal) using any of the payment modes (e.g. PayNow and Credit/Debit cards) stipulated in the Payment Advice Chit. Manual payment options are located at Level 4 of the State Courts.

# 04

## PRE-TRIAL CONFERENCES

You must attend the Pre-Trial Conference (PTC) if you plead not guilty and claim trial at Mentions Court. This chapter outlines what you need to prepare, what to expect, and whether you can take part in the Criminal Case Disclosure Conference (CCDC).

# A Flow Chart of the Criminal Process in Brief



# Pre-Trial Conference (PTC)

### What is a PTC?

If you claim trial, the Mentions Court will fix the case for a PTC. The purpose of the PTC is to prepare you and the Prosecution for trial and to settle any administrative matters before the trial date is fixed.

### How Should I Prepare for the PTC?

Prior to the PTC, you should consider whether you wish to address the following matters during the PTC:

1. Check if the Prosecution intends to make use of any written statement given by you to the Police and if so, you may request for a copy of the statement.
2. Indicate to the Court the number of witnesses that you wish to call at the trial.
3. If you require an interpreter for yourself or your witnesses, you should inform the Judge that you would require the assistance of an interpreter for the trial.

The Judge may also ask you for an indication of the legal defence that you intend to rely on. It would therefore be useful for you to think about this before the PTC.

### What Should I Expect During the PTC?

The purpose of the PTC is to ascertain whether the case is ready for trial. You have to attend this PTC together with the Prosecution, who will be represented either by a Police Prosecutor or a Deputy Public Prosecutor (DPP). At this conference, the Judge will be informed of the nature of the evidence that will be tendered by you and by the Prosecution. The witnesses will also be made known. Once all the administrative matters, including a Criminal Case Disclosure Conference (if applicable), have been sorted out, the Judge will then give a date for the trial.

# Criminal Case Disclosure Conference (CCDC)

### What is a CCDC?

A Criminal Case Disclosure Conference is a formalised system of reciprocal disclosure to enable parties to know ahead of the trial the case that they have to meet. This means that both you and the Prosecution will be under a duty to reveal aspects of your cases and the evidence that each of you intend to rely on at the pre-trial stage.

CCDC is only applicable to specific types of cases. If your charge is brought under any of the statutes below, then the CCDC may apply to you:

- Arms and Explosives Act 1913
- Arms Offences Act 1973
- Banishment Act 1959
- Banking Act 1970
- Casino Control Act 2006
- Computer Misuse Act 1993
- Corrosive and Explosive Substances and Offensive Weapons Act 1958

- Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act 1992
- Criminal Law (Temporary Provisions) Act 1955
- Guns, Explosives and Weapons Control Act 2021
- Hijacking of Aircraft and Protection of Aircraft and International Airports Act 1978
- Immigration Act 1959 (other than Ss 6 and 15)
- Infrastructure Protection Act 2017
- Internal Security Act 1960
- Maintenance of Religious Harmony Act 1990
- Misuse of Drugs Act 1973
- Moneylenders Act 2008
- Oaths and Declarations Act 2000
- Official Secrets Act 1935
- Passports Act 2007
- Penal Code 1871
- Prevention of Corruption Act 1960
- Prevention of Human Trafficking Act 2014
- Prisons Act 1933
- Protected Areas and Protected Places Act (Cap 256, 2013 Revised Edition)
- Public Entertainments Act 1958
- Public Order and Safety (Special Powers) Act 2018
- Remote Gambling Act 2014
- Securities and Futures Act 2001
- Sedition Act 1948
- Vandalism Act 1966

### Is CCDC Applicable to My Case?

At the first PTC, the Judge will let you know whether CCDC applies to your case. If CCDC applies to your case, you do not have the option to opt out.

For all other cases that do not fall into any of the statutes set out above, CCDC will only apply if all parties involved in the proceedings consent. It is entirely your decision whether you wish to have CCDC apply to your case or not.

### Should I Participate in the CCDC?

Participating in the CCDC may help you get a better understanding of the Prosecution's evidence against you, which will in turn help you decide the best course of action to take. However, you will have to be prepared to comply with the Judge's directions to prepare the documents in order to facilitate the CCDC. You will find more information on your duties under the CCDC in the next section.

If CCDC does not apply to your case and you do not give consent, the Court will proceed to fix a date for trial once the administrative matters have been sorted out.

**By choosing to go through the CCDC process, you may gain a better understanding of the Prosecution's case and obtain police statements for use in your Defence.**

### What Will Happen if I Decide to Participate in CCDC?

During the CCDC process, the Court will give a series of directions to facilitate the discovery procedure. First, the Court will direct the Prosecution to prepare and provide the "Case for the Prosecution" to you, which contains the following:

1. The Charge against you.
2. The Summary of Facts.
3. A list of the Prosecution's Witnesses.
4. Description of the documents and items which will be produced as evidence.
5. Any written statements made by you to a law enforcement officer that the Prosecution intends to use as evidence.
6. A list of every statement, made by you to a law enforcement officer recorded in the form of an audio-visual recording that the Prosecution intends to use as evidence. Transcripts of these audio-visual recordings are also to be included.

After you have received the "Case for the Prosecution", you should read and consider it carefully. It contains the evidence which the Prosecution will be relying on to prove your guilt. If you wish to view any audio-visual recordings of statements made to a law enforcement officer listed in the Prosecution's case, you would need to make a request to the Prosecution, who will then arrange for the viewing. At the next CCDC, the Court might request that you indicate whether you wish to claim trial or plead guilty to the charge(s).

If you intend to plead guilty, the Court will transfer your case to a PG Court for your plea to be taken and for your sentence to be decided. For more information on sentencing, refer to "Chapter 6 – Sentencing".

If you indicate your intention to claim trial, the Court will then direct you to prepare your "Case for the Defence", which would consist of these documents:

1. A summary of your defence and the relevant supporting facts you wish to rely on.
2. A list of your Witnesses (this must include their names and particulars).
3. A description of the documents and items you intend to produce in Court as evidence.
4. Any objections you may wish to raise to the Case for the Prosecution. You will need to state the nature of the objection and the issue of fact on which you will be producing evidence.

Your Case for the Defence must be prepared in English. You must provide a copy of your Case for the Defence to the Court as well as the Prosecution within the timeline stipulated by the Court. If there are any co-accused persons who are claiming trial, you will need to serve the Case for the Defence on the co-accused person or persons as well.

### How Do I Prepare My Case for the Defence?

At the back of this Guide, you will find a sample Case for the Defence, which you may consider and adapt to your needs.

If you require assistance on the substantive contents of your Case for the Defence, it is recommended that you seek your own legal advice.

It is crucial that you properly prepare and serve your Case for the Defence. If you fail to do so (e.g. if you fail to serve on the Prosecution documentary exhibits listed in the Case for the Defence), the Court may draw adverse inferences (i.e. an unfavourable inference) against you. Take note that an adverse inference may also be drawn against you if you put forward a case at trial that is different or inconsistent with what has been stated in the Case for the Defence. This may impact your credibility at trial and negatively affect your chances of successfully defending yourself.

### What Happens After I Submit My Case for the Defence?

After you have submitted your Case for the Defence to the Court and the Prosecution, the Prosecution will provide you copies of the documents found in the Case for the Prosecution. The Prosecution will also provide copies of any other written statements and transcripts of any other statements recorded by audio-visual means which you may have made in the course of investigations. Upon payment of a fee, the Prosecution will also provide a copy of your criminal records, if any. This is called the "Prosecution's Supplementary Bundle". Similarly, you will have to give to the Prosecution a copy of each documentary exhibit that you have indicated in your Case for the Defence you intend to admit at the trial, and which is in your possession, custody or power. This is called the "Defence Supplementary Bundle".

If you wish to view any audio-visual recordings of statements given by you, you may make a request to the Prosecution, who will then arrange for a viewing of the audiovisual recording. Do consider the Prosecution's entire case, including all documents and statements disclosed to you carefully before you decide on your next step, i.e. to claim trial or to plead guilty.

At the next CCDC, the Judge will ask you and the Prosecution to indicate your respective positions. If the Prosecution decides to proceed with the charges, and if you decide to claim trial, the Judge will fix a date for the trial. The next chapter deals with Trials.

# 05

## TRIALS

A trial consists of various stages such as cross-examinations and closing submissions. This chapter will go through the details of the different stages and how you should go about preparing for them.

## What is a Trial?

A trial is a process for the Judge to hear all the evidence before deciding whether you are guilty of the charge(s) brought against you. It comprises of various stages. This chapter will go through the details of the different stages and how you should prepare for a trial.

## What is Evidence?

During the trial, the Judge will hear the evidence presented by you and the Prosecution. Evidence means any information that helps to support or reject the facts relating to the Charge.

Several types of evidence are used in Court. The most common is through witnesses. Witnesses are people who will come to Court and tell the Judge what they had seen or share what they knew had happened. This is referred to as a witness testimony.

Evidence can also be in the form of exhibits. For example:

Documents like emails, text messages (including WhatsApp, Telegram and other similar messaging platforms).

Reports like police reports, medical reports, drug analysis reports.

Objects like weapons used.

Videos like CCTV footage.

Photographs.

## How Should I Prepare for a Trial?

You need to first understand the Charge against you. You may wish to pay attention to the details like the date, time, location, and the offence itself.

After that, you need to review evidence. This is an important step because the Judge can only consider evidence presented in Court. If the information or evidence is not before the Court, the Judge cannot consider them when deciding on your case.

**The Judge can only consider evidence presented in Court; whatever that is not brought to Court will not be considered.**

At trial, the Prosecution will show evidence that you had committed the offence(s) stated in the Charge(s). You can refer to the List of Witnesses and List of Exhibits for information on the evidence that the Prosecution will be using in the trial.

On your side, you need to gather evidence. You can do that by:

1. deciding who you want to call as a witness. Check if he or she is agreeable to be your witness in Court. If that person is willing to be your witness, check his or her availability and inform the Court.
2. deciding on the exhibits you want to use.

## Witnesses

**Prosecution's Witness(es)**

You may wish to prepare questions you want to ask the Prosecution's witnesses.

**Defence's Witness(es)**

You may wish to think about who might have knowledge or information that can help your case. For example, if you were not present at the time and place stated in the Charge, you need to think about how you can prove that to the Court. If you were at work at that time, you can consider calling your employer to confirm this.

As a general rule, you should also ensure that the maker of any document is in Court. Otherwise, the document may not be admitted as evidence for the trial. Some instances are set out below:

1. If you want to introduce a WhatsApp message or Facebook message sent by another person, you may wish to consider calling the person as a witness. That person will attend the trial and tell the Judge whether he was the sender of that message.
2. If you want to rely on a photograph which was taken by another person, you may wish to call that person as a witness. That person will attend the trial and tell the Judge whether he took the photograph, when he did so, whether any alterations were made to that photograph.
3. If you want to admit a medical report or medical certificate prepared by a doctor, you may wish to call the doctor as a witness. The doctor will attend the trial and tell the Judge whether he prepared the report, explain his observations and opinions.
4. If you want to rely on a document signed by a person, you may wish to call that person as a witness. The person will attend the trial and state whether he had signed the document.
5. If you have a letter from your company which you intend to rely on, you should ask the person who signed off on the document to attend the hearing to prove that he made the document.

If disclosure of the Case for the Prosecution and the Case for the Defence was done previously, you would need to give notice in writing to the Court and all other parties (for example, AGC) if you want to call any witnesses that you previously did not state in your Case for the Defence. You need to provide the full name and an outline of what he or she will be testifying on.

Your witnesses must turn up in Court on the day of trial. If your witnesses are unwilling to come or may not turn up, you should apply at the State Courts Service Hub (State Courts, Level 2) for a "Summons to a Witness" to be issued against that witness. A fee of $20 is payable for every Summons issued. A Court process server will then help you to serve the document on the witness. You may wish to make your application early, at least 7 days before the trial.

Once you have decided on your witnesses, you may wish to prepare a list of questions to ask them.

### Exhibits

If disclosure of the Case for the Prosecution and the Case for the Defence was done previously, you would need to give notice in writing to the Court and all other parties (for example, AGC) if you want to produce any exhibit that you previously did not state in your Case for the Defence. You must also provide a description of the exhibit.

For the trial, you need to prepare copies of the exhibits that you intend to rely on for your defence. You need to bring the original with at least 3 copies of each document you want to use. The original will be given to the Court. The copies will be given to the Prosecution, witness and yourself. You may wish to prepare your documents early. This is particularly important as the Court may direct you (and the Prosecution) to submit these documents before the actual trial date.

### Other Administrative Matters

Usually, a trial may stretch across a number of days. Trials are usually heard the whole day from 9am to about 6pm with a lunch break in between. You will need to make the necessary arrangements to be present in Court for the entire period of trial.

For certain cases, the trial Judge may call for a case conference before the trial to discuss administrative matters and identify any issues in contention.

| **Resource: To-Do List** | |
|---|---|
| Bring evidence needed to Court. | Contact witnesses and ask them to attend the trial. |
| Have the original and at least 3 copies of each document to be used as evidence. | Make sure all your witnesses attend the trial. |
| Ensure that the author or maker of the document comes to Court.<br>**Otherwise the document may not be considered as evidence.* | Apply for a "Summons to a Witness" requiring the witnesses to attend the trial at the **State Courts Service Hub (State Courts, Level 2)** when trial date(s) is/are given.<br>Cost: $20 for each summons. |

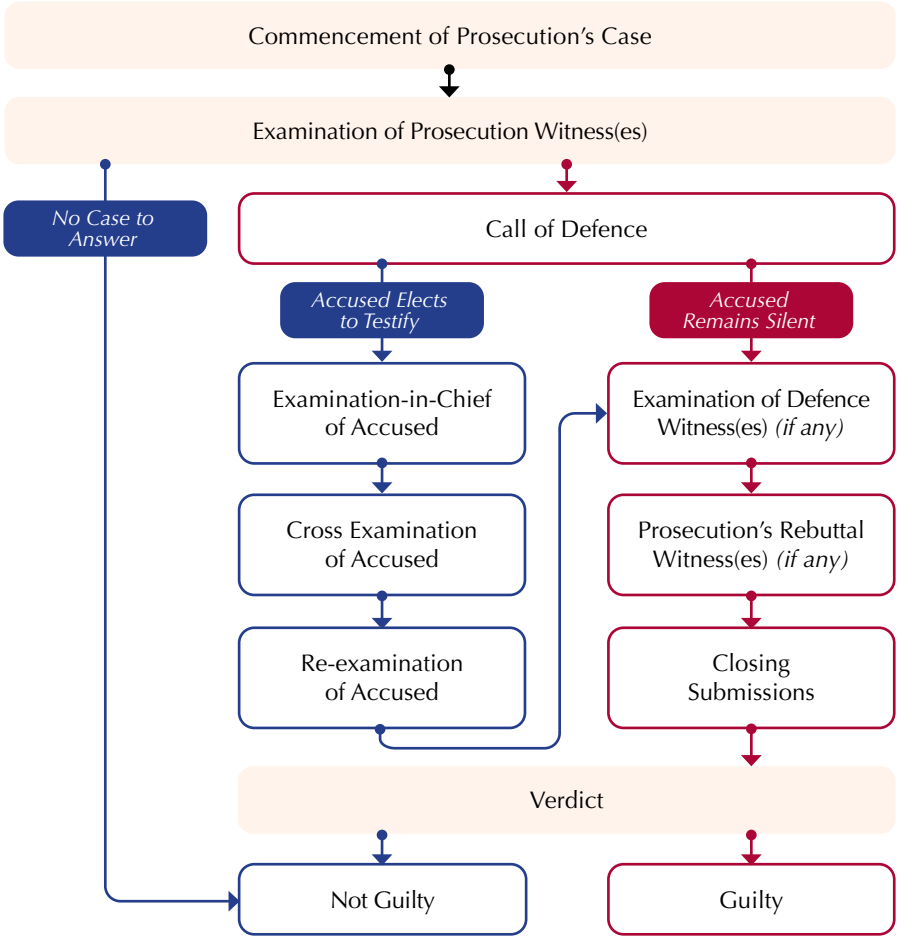
## What Happens During a Trial?

Both sides will be given time and fair opportunity to address the Court fully on their case. The Prosecutor and you will take turns to present the case. You should wait patiently for your turn to speak. When it is your turn to speak, speak audibly into the microphone, as the proceedings are recorded.

You should take your own notes and write or type down what was said by the witnesses. If you require pen and paper, you may request for them.

In the course of a trial, the Judge may interrupt you or the witnesses and ask questions to clarify and to get additional facts. This is so that the Judge has all the information needed to decide your case.

An overview of the trial process is set out below:



The sequence at the trial is as follows:

### Stage 1: Commencement of Prosecution's Case

After the Charge is read and explained to you, you need to state whether you wish to plead guilty or claim trial to the proceeded charge(s). If you wish to claim trial, the Prosecution will begin presenting their case. The Prosecution may begin with an outline of its case and what it expects to prove through the trial.

### Stage 2: Examination of Prosecution's Witness(es)

The Prosecution will call their witnesses first. The examination of each Prosecution witness consists of 3 stages: (i) Examination-in-Chief; (ii) Cross-examination; and (iii) Re-examination. When a witness is on the stand, the rest of the witnesses must remain outside the Courtroom or in the witness room. You should ensure that your witnesses are not in the Courtroom as well.

#### Examination-in-Chief

The Prosecution will call their witnesses to give evidence in the listed order. Exhibits may also be presented as evidence through the witnesses. You should listen carefully to the questions and answers, as well as make notes for your own reference.

The witness will first take oath or be sworn in to tell the truth. For easy identification, the Court will identify witnesses using references such as PW1 (Prosecution Witness 1) and PW2 (Prosecution Witness 2) based on the order in which they are called.

The Prosecutor should ask open-ended questions and not ask leading questions. An open-ended question does not suggest any answers but allows the witness to answer based on their knowledge.

| Examples of Open-Ended Questions | |
|---|---|
| "What did you see on that day?" | "Who were you with?" |
| "Where were you?" | "How did you know about this incident?" |

A leading question, on the other hand is a question that suggests to the witness the answer. For example, "You clearly saw him at the void deck,didn't you?" is a question that hints to the witness the answer to the question. If the Prosecutor asks a leading question, you may stand up and say that you object to it. The Judge will then have to decide if the question should be allowed and if the witness should answer the question.

The Prosecutor may seek to show the Judge relevant exhibits. A copy of the exhibit must be given to you. Exhibits must be marked and formally admitted before they can be part of the evidence. This means that the Judge will name each piece of document by a letter and a number (e.g. P1, P2), and the document must satisfy the requirements of the law before it can become a piece of evidence. Do mark your copy of the document when it is marked by the Court either for identification or as admitted evidence.

The Prosecution may seek to produce statements made earlier by you in the course of the investigations. You can either agree or disagree to admit the statement. If you agree to the admission of your statements, the Judge will consider your statements when deciding on your case. If you disagree with the admissibility of these statements as evidence for the trial, an ancillary hearing (see below for more information) will be held before the Judge for his determination before the trial continues. Do note that even if the statements are admitted, you may argue that the Judge should accord very little weight to them (e.g. because they do not show that you were guilty of the offence).

**Cross-Examination**

After each witness's Examination-in-Chief, you will be allowed to cross-examine the witness by asking him questions. At this stage, you can ask open-ended and leading questions. You may also show the witness any evidence (for example, documents, videos or photographs) to challenge what he has said.

You should use this opportunity to ask each witness questions to test the witness's credibility and the accuracy of his account of events. Your questions must be relevant to the case.

However, you may not ask questions that would embarrass, insult or annoy the witness. Specifically, in criminal proceedings involving sexual offences, you shall not ask the victim questions on the following matters without the Court's permission:

| You Shall Not Ask the Victim Questions on the Following Matters Without the Court's Permission: | You May Ask Questions to Highlight That: |
|---|---|
| The victim's sexual behaviour. | There are inconsistent or illogical aspects to the witness's testimony. |
| The victim's sexual history/experience with other persons. | The witness has incorrect or insufficient knowledge. |
| The victim's physical appearance (such as dressing in a certain way). | The witness is unreliable (e.g. his memory or ability to see clearly are in doubt). |
| The victim's voluntary intoxication. | The witness is not telling the truth. |

Finally, you may also give your version of what happened to the witness and ask the witness if he agrees with it. These are known as "put questions".

If there is anything you did not agree with the witness' version, you may tell the witness so. The witness may respond to you.

**Resource: Important Things to Take Note of**

You are not allowed to ask questions that would annoy, insult or embarrass the witness.

The Judge is not your lawyer and will not help you to think of questions. It is your responsibility to ask the right questions that will help your case.

Before ending your cross-examination, you should think thoroughly about your defence to make sure that you did not miss out anything crucial.

### Re-Examination

After your cross-examination, the Prosecution is allowed to re-examine the witness by asking further questions. This is to clarify some of the answers given during cross-examination. You may object if the Prosecution poses leading questions or raises issues which were not brought up during cross-examination.

### Evidence Given in Court: Possible Objections

During the Prosecution's examination-in-chief, cross examination or re-examination, it is possible for you to object to certain questions being asked or certain evidence being given. When you object, you do so by standing up and saying "I object, Your Honour". You will then explain why you objected and the other party has a chance to respond to the objection and the Judge will then decide if the question should be allowed. Some examples of the types of questions or evidence that may be objectionable are listed below.

#### Irrelevant Evidence

In general, any evidence that does not relate to the charges brought against the Accused and/or co-accused is inadmissible.

All irrelevant evidence will be disregarded by the Judge.

If the Judge asks a question or directs anyone to move on and ask questions on a different area or issue, it is not to cut anyone off or to help any side. It is to ensure that time is not wasted and that the case is decided on relevant facts only.

#### Character

As a general rule, the Prosecution cannot lead evidence to show that you are a person of bad character. This would include evidence such as your past criminal record.

However, if you bring up evidence suggesting that you are a person of good character, the Prosecution may use any such evidence (including past criminal records) to show that you are a person of bad character.

You would be making claims that you are a person of good character if you ask the Prosecution's witnesses questions about your good character, make statements to this effect during your evidence-in-chief, and/or call witnesses to give evidence on your good character.

**Hearsay**

Hearsay is a statement by a person, who is not in Court as a witness, tendered to prove the truthfulness of certain facts: it could be an oral conversation that was overheard by one of the witnesses in Court or a written document.

For example, if A is called to Court as a witness in a murder trial, and he says, "I heard B say that he saw C commit the murder', this would be hearsay as A has no personal knowledge. A's statement is inadmissible as it is hearsay and B should be called to testify.

There are several exceptions to the hearsay rule such as where: (i) maker of statement is dead, cannot be located, or overseas and cannot be made to testify; (ii) the statements are contained in ordinary business documents. You may wish to refer to s 32 of the Evidence Act 1893 to find out what the exceptions to the hearsay rule are.

**Opinion**

In general, witnesses should only give evidence on facts which they personally saw, heard or experienced and not inferences/opinions based on those facts. You should not ask your witnesses questions requiring them to draw inferences or state their opinions.

If you require a witness to provide his opinion on a specialised point (e.g. medical evidence or accident reconstruction), that witness should be called to testify as an expert witness. If you call an expert witness, you will need to ask questions regarding the witness's qualifications and experience as an expert in the field.

### Stage 3: End of Prosecution's Case

The same process will be applied to all the Prosecution's witnesses. After the Prosecution has called all their witnesses, the Court will decide if the Prosecution has presented a sufficient case such that you must answer the charge. You may make a submission of no case to answer if you think that there is insufficient evidence to support the Prosecution's case.

## Stage 4: Call of Defence

If there is sufficient evidence to support the Prosecution's case, the Court will ask you to present your defence, and the "Standard Allocution" will be read to you.

**Call of Defence – Standard Allocution**

I find that the Prosecution has made out a case against you on the charge(s) on which you are being tried. There is some evidence, not inherently incredible, that satisfies each and every element of the charge(s). Accordingly, I call upon you to give evidence in your own defence. You have two courses open to you. First, if you elect to give evidence you must give it from the witness box, on oath or affirmation, and be liable to cross-examination. Second, if you elect not to give evidence in the witness box, that is to say, remain silent, then I must tell you that the Court in deciding whether you are guilty or not, may draw such inferences as appear proper from your refusal to give evidence, including inferences that may be adverse to you. Let me also say, whichever course you take, it is open to you to call other evidence in your own defence. You may confer with your counsel on the course you wish to take.

I now call upon you to give evidence in your own defence. How do you elect?

You will be given two options by the Judge: (i) give evidence from the witness stand; or (ii) remain silent.

If you choose to give evidence, you need to do so from the witness box on oath or affirmation. The Prosecution will also be able to cross-examine you.

If you choose to remain silent, the Court may draw all reasonable inferences, including those unfavourable to you. The Court may take your silence into account when deciding whether you are guilty or not. In other words, the Court can take your silence against you and decide that you are guilty of the offence. Regardless of whether you wish to give evidence or remain silent, you can call other witnesses.

## Stage 5: Examination of the Accused

### Examination-in-Chief

If you have chosen to give evidence, you will be the first person to do so. If you want some time to think about what you wish to say, you may ask the Judge for some time before you begin.

This is the time for you to tell your side of the story. You should state your full name, age, and current occupation. Then, you can tell the Judge your version of what happened and anything else that would help your defence. You can do it in a number of ways:

1. **Chronology**

   You can tell the Judge what happened on that day, from the starting to the end.

2. **Issues**

   You can give a summary of the reasons of why you are not guilty. Then elaborate on each reason with the information or exhibits you have.

If you have exhibits to introduce, you can tell the Court what the exhibit is, what the exhibit shows, how and when it was obtained/made/taken and the purpose of showing the exhibit.

**Cross-Examination**

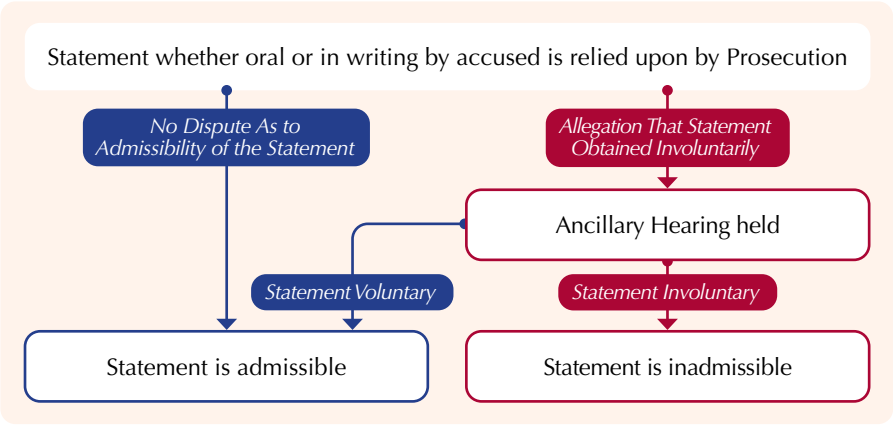
The Prosecution will then ask you a series of questions. This is called cross-examination. The Prosecution may seek to produce statements made earlier by you in the course of the investigations. If you disagree with the admissibility of these statements as evidence for the trial, an ancillary hearing (see below for more information) will be held before the Judge for his determination before the trial continues. Do note that even if the statements are admitted, you may argue that the Judge should accord very little weight to them (e.g. because they do not show that you were guilty of the offence).

**Ancillary Hearing**

If there is any dispute on the admissibility of any evidence, the Court may exercise its discretion to call an Ancillary Hearing to determine whether the evidence is admissible. In brief, a police statement is admissible if the following conditions are met:

1. It was made to a police officer above the rank of sergeant.
2. It was not obtained through threat, inducement or promise by a person of authority; and under the belief that the Accused would gain any advantage or avoid something bad in relation to the offences he/she was charged with.
3. It was not obtained under oppressive circumstances (e.g. deprivation of food and drink or medication) such that the Accused's free will was sapped and he gave the statement to gain an advantage or avoid something bad in relation to the offences he/she was charged with.

During the Ancillary Hearing, the Court is concerned about the voluntariness of your statement. Therefore, you should concentrate on how your statement was recorded, what happened during the recording of the statement and why it affected you to the extent that you gave the statement involuntarily. The Judge will then announce his decision as to whether the statement should be admitted. If the statement is admitted, the Judge can rely on it and decide if you are guilty or not guilty. If the statement is not admitted, then the Judge cannot rely on it at all.




**Re-Examination**

After the cross-examination, you will be allowed to clarify what you said in response to the Prosecutor.

| Resource: Important Things to Take Note of | |
|---|---|
| It is very important that all the evidence you want the Judge to hear is given during your case. | Focus on telling the Judge what happened on that day in question. Irrelevant things do not help the Judge to decide the case. |
| You should avoid making inappropriate remarks about people or things. | If you produce evidence to the Court, explain to the Judge what the evidence is for and give some details about it. |

## Stage 6: Examination of the Defence Witness(es)

When you have finished giving your evidence, you may then call your other witnesses to the stand one at a time.

**Examination-in-Chief**

You should ask your witness to give some basic information to the Court, such as his name, age, and occupation. If you have called expert witness, you should ask your witness to tell the Court about his qualifications as an expert. An expert witness is someone who has specialised knowledge that supports your case, e.g. doctors and engineers.

You may then ask your witness any question which you think may help you, or weaken the Prosecution's case. However, you should only ask questions that the witness is able to answer.

The questions you ask your own witnesses should be open-ended questions. This means that the questions asked must not lead the witness to the answer you want. You must not state your version of the events and ask the witness if he agrees with it. For example, you should not ask questions like "On that day in question, do you agree that I was having dinner with you?" Instead, you may wish to ask "What were you doing on that day in question?" It is generally easier to frame an open-ended question if you begin with "Who", "What", "Where", "When" or "How".

| Resource: Things Not to Ask a Witness | |
|---|---|
| His views of the evidence of other witnesses. | His comments on the law. |
| His opinions (unless he is an expert witness). | What the intentions, thoughts and views of another person were. |

**Cross-Examination**

Once you are done asking your witnesses questions, the Prosecution will then cross-examine your witnesses. The Prosecution may ask leading questions to challenge their evidence during cross-examination.

**Re-Examination**

After your witness has been cross-examined by the Prosecution, you will be able to re-examine your witnesses to clarify what your witness said in cross-examination. You may ask the witness questions to explain or contradict matters put to him by the Prosecution which he might have been unable to clarify during cross-examination.

| Resource: What to Do During Re-Examination | |
|---|---|
| Re-examination is not another opportunity for you to raise new evidence. | You should ask open-ended questions, instead of putting your version to the witness and asking him to agree or disagree. |
| Re-examination must only be used to explain or clarify matters referred to in cross-examination. | |

### Stage 7: Prosecution's Rebuttal Witness

The Prosecution may then call or recall witnesses at this stage to rebut the evidence you have raised in your defence. A rebuttal witness can only be called to rebut new information introduced by your defence. You will also be given the chance to cross-examine them.

### Stage 8: Closing Submissions

At the end of the trial, you and the Prosecutor will be given the opportunity to make closing submissions. The closing submissions can be made orally or in writing. The purpose of this is to let parties summarise the evidence and arguments to persuade the Judge to decide the case in their favour.

The Prosecutor will usually be asked to make their closing submission first.

If you need time to prepare your closing submissions, you may ask the Judge for some time. If you cannot remember what was said at trial, you may apply for a copy of the Notes of Evidence via the State Courts Service Hub (State Courts, Level 2). Notes of Evidence is a word-for-word transcript of what had been said by the different people in Court.

| Resource: Important Things to Take Note of |
| --- |
| You should focus on the relevant issues and explain to the Judge why he should believe you. |
| You may highlight the weaknesses of the evidence presented by the Prosecution, or explain why you should be found "not guilty". |
| You will be allowed to talk about all of the evidence given at the trial. This includes any document, photograph or video which has been put into evidence. You may not bring up new evidence at this stage. |

### Stage 9: Verdict

Finally, the Judge will decide the case and pronounce his decision in a verdict. If you are found not guilty, the trial process comes to an end and you are free to leave. If you are convicted (found guilty), the case will proceed to mitigation and sentencing where the Judge will decide how you will be punished.

If you are dissatisfied with the verdict or sentence or both, you may file an appeal with the State Courts Service Hub (State Courts, Level 2) within 14 calendar days from the pronouncement of the sentence. (See "Chapter 7 – Appeal" for information on Appeals). The Prosecutor may also file an appeal.

# 06

## SENTENCING

The information in this chapter will provide useful information on the different types of sentences a Court may impose, the relevant sentencing procedures, and the manner in which the Court resolves factual issues at the sentencing stage.

This section deals with 3 aspects of sentencing. First, we will explain the various sentences prescribed by the law. Second, we will look at the steps involved in sentencing. This procedure is followed regardless of whether the accused is sentenced as a result of pleading guilty or having been convicted after trial. Finally, we will look at the Newton Hearing which is specifically convened for the purpose of resolving a dispute of fact which would be relevant for sentencing.

## Types of Sentences

### What is a Sentence?

A "sentence" is the punishment that will be imposed by the Court after you have been convicted.

### How Do I Know My Potential Sentence for the Offence?

Your charge sheet will state the maximum sentence that the offence carries. The punishment prescribed by law can be found at the bottom of the charge sheet. In certain instances, the offence may carry a minimum sentence. If that is the case, your charge sheet will also state the minimum sentence.

If you have a lawyer, your lawyer would be able to advise you on the range of sentences usually imposed by the Courts for the offence which you are alleged to have committed.

### What are the Types of Sentences in Law?

The law prescribes various sentences that can be imposed as punishment. These include:

1. Fine
2. Imprisonment
3. Caning
4. Corrective Training
5. Preventive Detention
6. Sentence for Public Protection (SPP)
7. Sentence for Enhanced Public Protection (SEPP)
8. Probation
9. Reformative Training
10. Community-Based Sentences

Here is an elaboration on each of these sentences.

**1. Fine**

A fine is a monetary penalty imposed by the Court. If you do not pay the fine imposed, you may have to serve an imprisonment term. This "in-default" sentence pronounced by the Court cannot be backdated, or ordered to run concurrently with a term of imprisonment. You should therefore take the necessary steps to pay the fine immediately. If at any point in time while serving the default imprisonment term, you are able to make payment of the fine (or someone is able to do so on your behalf), you should inform the prison authorities immediately, so that you may be released upon payment of the remaining fine (calculated on a pro-rated basis depending on the period of imprisonment served up to the point of payment).

You may apply for your fine to be paid by instalments. However, whether your proposed instalment payment plan will be granted is at the Judge's discretion. For more information, please refer to our website at www.judiciary.gov.sg.

**You may apply for any fine to be paid via instalments. However, it is up to the Judge to grant your request.**

**2. Imprisonment**

An imprisonment term means that you will be sent to prison for a period which will be decided by the Court.

**3. Caning**

Caning can or must be imposed by the Court for certain offences. The Court will decide on the number of strokes of the cane to be imposed if you are ordered to be caned.

Caning can only be imposed on male offenders below 50 years old. Where such an offender is sentenced at the same sitting for more than one offence punishable by caning, the maximum total number of strokes that the Court may impose for all these offences is 24. If you are female or male aged 50 or above, caning cannot be imposed on you. However, even though the Court cannot impose caning on you, the Court can instead impose a longer term of imprisonment on you, of up to 12 months. For certain offences, the court may only impose a fine in lieu of caning.

**4. Corrective Training**

Corrective training is a form of punishment for an offence committed before 31 July 2026 that has many similarities with a sentence of imprisonment. If sentenced to corrective training, you will receive training of a corrective character for a substantial period of time, followed by a period of supervision if released before the expiration of your sentence. A term of corrective training, if imposed, shall be for a minimum period of 5 years, and up to a maximum period of 14 years. If the criteria stated in s 304(1) of the Criminal Procedure Code 2010 are met, the Court shall impose corrective training if satisfied that it is required or will achieve the offender's reformation and prevention of crime, unless there are special reasons not to do so. A District Court or the High Court cannot impose corrective training on you if you are below 18 years of age. Before sentencing any offender to corrective training, the Court must call for and consider a report prepared by the Prison Authorities on the offender's physical and mental condition and his suitability to serve corrective training.

**5. Preventive Detention**

Preventive detention is a separate regime from imprisonment involving incarceration of an offender for a minimum of 7 years and up to a maximum of 20 years. It will only be imposed when the Court is satisfied that you should be detained in prison for a substantial period of time to protect the public. A District Court or the High Court can

impose preventive detention on an offender who is at least 30 years old and who has had at least 3 prior convictions since he has reached the age of 16 years, which satisfy the criteria stated in s 304(2) of the Criminal Procedure Code 2010 for an offence committed before 31 July 2026. Before sentencing any offender to preventive detention, the Court must call for and consider a report prepared by the Prison Authorities on the offender's physical and mental condition and his suitability to serve preventive detention.

**6. Sentence for Public Protection (SPP)**

A Sentence for Public Protection (SPP) is a custodial sentence that replaces Corrective Training (CT) and Preventive Detention (PD) for offences committed on or after 31 July 2026. It may be imposed on offenders who are 21 years of age or older and meet the criteria in s 304A(2) of the Criminal Procedure Code 2010, such as having the relevant number of prior convictions for offences punishable with imprisonment for 2 years or more since the age of 16.

The Court must also be satisfied that it would be in the interests of the protection of the public to detain the offender in custody for a substantial period of time, followed by a period of supervision if released before the expiry of the offender's sentence. Before imposing SPP, the Court must call for and consider a report from the Prison Authorities on the offender's physical and mental condition and suitability for the sentence. When imposing SPP, the Court must order a period of 5 to 20 years' detention instead of any sentence of imprisonment, or any sentence of imprisonment and fine.

**7. Sentence for Enhanced Public Protection (SEPP)**

A Sentence for Enhanced Public Protection (SEPP) is a custodial sentence that applies to certain serious violent or sexual offences listed in the Seventh Schedule to the Criminal Procedure Code 2010 committed on or after 31 July 2026. It may be imposed on offenders 21 years of age or older who have been convicted of such offences and meet the criteria in s 304B(2) of the Criminal Procedure Code 2010, such as posing a substantial threat of causing serious physical or sexual harm to others.

The Court must also be satisfied that it would be in the interests of the protection of the public to impose SEPP unless there are special reasons not to do so. Before imposing SEPP, the Court must call for and consider a report from a Court-appointed psychiatrist on the offender's risk of causing serious physical or sexual harm to others, if SEPP is being considered because the offender poses a substantial threat of causing such harm. If SEPP is being considered because of the offender's history of previous relevant convictions under the Seventh Schedule, the Court may decide that such a report is not required.

The Court may remand the offender in custody for up to 2 months at a time, and may extend the remand period, to enable the report to be submitted under s 304B(4) of the Criminal Procedure Code 2010.

When imposing SEPP, the Court must order a specified period of 5 to 20 years' detention instead of any sentence of imprisonment, or any sentence of imprisonment and fine. However, the period of detention must not be less than the mandatory minimum sentence of imprisonment prescribed for the offences specified in the Seventh Schedule in respect of which SEPP was imposed.

After being detained for the specified period, the offender will only be released if the Minister for Home Affairs finds the offender suitable for release, and may be subject to conditions upon release.

**8. Probation**

An offender may be placed on probation instead of being imprisoned or fined. The offender will be supervised by a probation officer for a period between 6 months and 3 years.

If you are placed on probation, you are generally free to carry out your daily activities. However, you must not reoffend and must also adhere to the conditions attached to your probation, for example, by keeping to time restrictions, performing community service and attending counselling or any requisite programmes necessary for your rehabilitation.

If you fail to do so, your probation order may be revoked and you will be re-sentenced for the original offence. If you are below 21 years old, reformative training may also be imposed. Upon successful completion of a probation order with attached conditions, the offence committed by you will not be treated as a prior criminal conviction.

In deciding whether to make a probation order, the Court will consider the nature and severity of the offence, the character of the offender, and a report prepared by the probation officer. Probation is more commonly ordered for offenders below 21 years. of age but adult offenders above 21 years of age may also be ordered to be placed on probation in appropriate cases.

**If you fail to comply with the conditions of your probation, the probation may be revoked and you will be re-sentenced for the original offence.**

**9. Reformative Training**

Offenders above the age of 16 years but below 21 years may be sentenced to reformative training in lieu of any other sentence. Compared to probation, reformative training is a more severe punishment which requires the offender to be detained in a structured environment. However, there will still be emphasis on rehabilitation and the offender will be required to attend programmes or counselling to deal with his offending behaviour. The Court has a discretion to impose a minimum detention period of 6 or 12 months. Such discretion is likely to be exercised bearing in mind the offender's particular need for rehabilitation and the need to prevent the offender from offending again.

Before imposing any sentence of reformative training, the Court must call for and consider a report prepared by the Prison Authorities, which will highlight the offender's physical and mental condition, suitability for the sentence and the nature of rehabilitation recommended. If the Court calls for a reformative training suitability report before passing sentence, a copy will be provided to you. Do take note that the minimum detention period of 6 or 12 months ordered by the Court may be extended in accordance with the law, subject to a maximum duration of 54 months. You may wish to refer to s 305 of the Criminal Procedure Code 2010 and the Criminal Procedure Code (Reformative Training) Regulations 2018 for more information.

**10. Community-Based Sentences**

Community-Based Sentences will be dealt with in the next segment.

## Community Courts and Community-Based Sentences

### What are Community-Based Sentences?

Community-Based Sentences (CBS) were introduced in 2010 to give the Courts greater flexibility in sentencing. The Courts are given more gradated sentencing options for minor offences. In appropriate cases, the Court will consider CBS instead of sentences such as imprisonment or a fine. Section 337 of the Criminal Procedure Code 2010 sets out the circumstances under which an offender is eligible for CBS. Whether an offender is eligible for CBS usually depends on an offender's prior record as well as the nature of the offence committed.

**If the CBS is successfully completed, the offender is deemed to have no record of that conviction.**

### What are the CBS Orders That Can Be Made?

CBS includes:

1. Mandatory Treatment Order (MTO)
2. Day Reporting Order (DRO)
3. Community Work Order (CWO)
4. Community Service Order (CSO)
5. Short Detention Order (SDO)

**1. Mandatory Treatment Order**

A Mandatory Treatment Order (MTO) requires an offender suffering from certain treatable psychiatric conditions to undergo psychiatric treatment for a period of no longer than 36 months. Before deciding to make an MTO, the Court will call for a report to be submitted by an appointed psychiatrist of the Institute of Mental Health (IMH). Apart from s 337(1), you may also wish to refer to s 337(2) of the Criminal Procedure Code 2010 and the Criminal Procedure Code (Prescribed Offences for Mandatory Treatment Orders) Regulations 2018 to assess whether you may be considered for an MTO.

If the Court informs you that an MTO suitability report will be called for, you will have the option of appointing your own psychiatrist to make a report. The report made by your own psychiatrist may be submitted to the Court-appointed psychiatrist who will take it into consideration. However, the report made by the Court-appointed psychiatrist

will be considered final and conclusive in its findings and a copy will also be extended to you. An MTO cannot be made unless the appointed psychiatrist is of the opinion that you are suffering from a psychiatric condition which is susceptible to treatment, you are suitable for treatment, and the psychiatric condition is one of the contributing factors for the commission of the offence.

Before making an MTO, the Court will also explain to you the purpose and effect of the order, in particular, your obligations under the order. The consequences of failing to comply with any of the obligations or conditions imposed will also be explained to you by the Court. For more information, you may refer to s 339 of the Criminal Procedure Code 2010.

**2. Day Reporting Order**

A Day Reporting Order (DRO) is administered by the Singapore Prisons Service and requires the offender to report to a day reporting centre for monitoring, counselling and to undergo rehabilitation programmes. The Judge will consider the nature of the offence and your character in deciding whether to make a day reporting order.

The Judge will call for a report from a day reporting officer on the possibility of counselling and rehabilitating you. The length of the order can range from 3 months to 12 months, and may carry conditions imposed by a Court, as the Court sees fit. The Judge will also explain the purpose and effect of the DRO and the consequences of breaching the DRO. For more information, refer to s 341 of the Criminal Procedure Code 2010.

**3. Community Work Order**

If a Community Work Order (CWO) is issued, the offender will have to perform community work associated with the offence committed. This work will be unpaid under the supervision of a community work officer. However, such an order is not available as the offences to be linked with CWO have not been prescribed by Parliament as yet.

**4. Community Service Order**

A Community Service Order (CSO) can be imposed on offenders for their reformation and for them to make amends to the community by performing unpaid community service under the supervision of an authorised officer.

In deciding whether to make this order against you, the Court will determine if it will allow for your reformation. The Court must be satisfied that based on your mental and physical condition, you are suited to perform community service. A report will be called by the Court before making a CSO. The Judge will state the number of hours of community service that needs to be performed in the order. The Judge will also explain the purpose and effect of the CSO and the consequences of breaching the CSO. For more information, refer to s 346 of the Criminal Procedure Code 2010.

**5. Short Detention Order**

If a Short Detention Order (SDO) is made, the offender can be detained in prison for a period not exceeding 14 days. Based on the circumstances of the case, the nature of the offence and the character of the offender, the Court can impose an SDO, which will allow the offender to experience the 'short, sharp, shock' of prison life. For more information, refer to s 348 of the Criminal Procedure Code 2010.

**It is important that you adhere to the conditions of your CBS. Otherwise, it may be revoked by the Court which will then impose the normal sentence for the offence(s).**

### Why was My Case Sent to the Community Court?

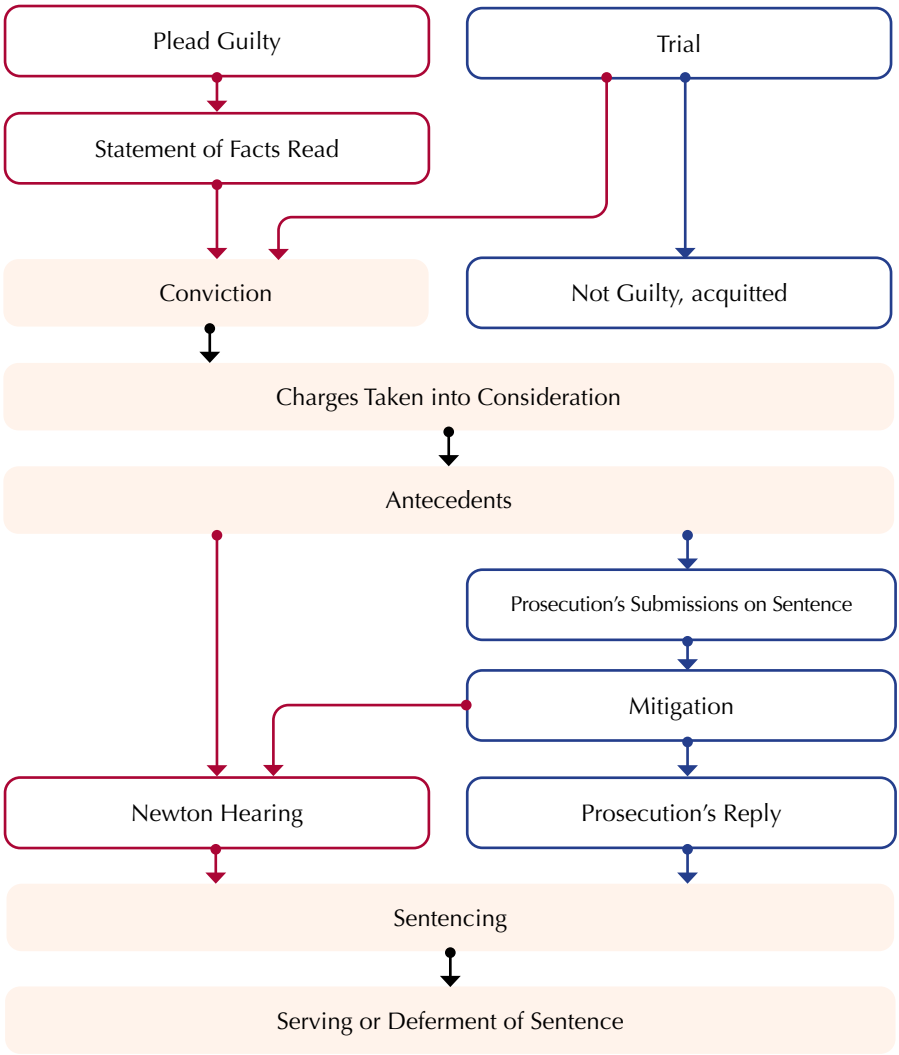
Cases that are suitable for CBS are generally sent to the Community Court for management. The Community Court adopts a problem-solving approach that combines criminal justice and community resources for a comprehensive response. In addition to the principles of deterrence and retribution, the Community Court is committed to the dual principles of rehabilitation and prevention.

Cases which fit into any of the following criteria may be referred to the Community Court:

1. Cases involving offenders below 21 years old who have been accused of theft, violence, sex, gambling or drug related offences
2. Selected cases involving offenders with mental disorders
3. Attempted suicide cases
4. Family violence cases
5. Abuse and cruelty to animal cases
6. Cases which impact race relations
7. Selected cases involving accused persons who are 65 years old and above
8. Selected cases involving accused persons with chronic addiction problems
9. Shop theft cases

If your case falls within the scenarios set out in s 337(1) of the Criminal Procedure Code 2010, CBS may not apply to you. If you are unsure whether your case qualifies for CBS, you may check with the Judge.

## The Sentencing Procedure




### Overview of the Sentencing Process

Once you have been convicted, either because you had pleaded guilty or you were found guilty at the end of a trial, you will be sentenced. At this stage, a Judge will decide what punishment you will be given. The sentencing procedure is set out below for your easy understanding. Steps 1 to 3 are only applicable if you have elected to PG without a trial. If you are sentenced after a trial, you may skip to Step 4.

### Guidelines on Reduction in Sentences for Guilty Pleas

These guidelines, also known as PG Guidelines, are established by the Sentencing Advisory Panel of Singapore to provide:

1. Guidance to Judges in passing sentences in criminal cases;
2. Guidance to the prosecution and defence in their sentencing submissions;
3. Assistance to accused persons in making decisions in criminal proceedings.

The PG Guidelines are not binding on any court unlike judicial guidelines and are subject to exceptions, including where a Newton Hearing is conducted or it would be contrary to the public interests to apply them. The following table sets out the maximum reduction in sentence that the Court should consider based on the stage of court proceedings when an accused person pleads guilty to a charge which carries a sentence of imprisonment:

| | | |
|---|---|---|
| **Stage 1** | **12 weeks after:**<br>1. First mention; or<br>2. Hearing when the Prosecution informs the Court and the accused that the case is ready for plea to be taken | Up to **30%** reduction in sentence |
| **Stage 2** | 1. Before any Case for the Prosecution ("CFP") filing directions are given at the first CCDC (CCDC cases)<br>2. Before Court first fixes trial dates (non-CCDC cases) | Up to **20%** reduction in sentence |
| **Stage 3** | Before first day of trial | Up to **10%** reduction in sentence |
| **Stage 4** | On or after first day of trial | Up to **5%** reduction in sentence |

Take note that the court cannot reduce a sentence below any mandatory minimum sentence if provided by the law. The PG Guidelines also do not apply to sentences other than imprisonment or where an accused person is convicted after a trial.

### Step 1: Taking the Plea (Only for PG cases)

Your Charge(s) will be read to you by the Court interpreter. You will then be asked to indicate whether you wish to plead guilty or to claim trial. If your intention is to plead guilty, you may inform the Court.

### Step 2: Statement of Facts (Only for PG cases)

After you have indicated your intention to plead guilty, the statement of facts will be read out to you. The statement of facts contains the relevant facts of your offence. Listen carefully to the facts. After the facts have been read to you, you will be asked to indicate whether you admit to the facts. If you disagree with any of the facts, you must inform the Court and let the Prosecutor know which part of the statement of facts you wish to dispute. If that happens, the Court may stand down the case to allow the Prosecutor and you to resolve the disagreement.

The Court will only proceed to convict you if you admit to the statement of facts without qualification. If any of the facts which are material in supporting the elements of the offence cannot be agreed upon, the Court will not accept your plea of guilt and the matter will have to proceed for trial.

**If you disagree with any part of the statement of facts, you should inform the Court. If any material fact cannot be agreed upon, the case will have to proceed for trial.**

### Step 3: Conviction (Only for PG cases)

If you agree to the statement of facts, the Judge will proceed to convict you if satisfied on the basis of the admitted facts, that all the elements of the offence have been proven beyond a reasonable doubt.

### Step 4: Charges to be taken-into-consideration (TIC charges)

After you have been convicted, the Prosecution will inform the Court whether there are other charges which they wish the Court to take into consideration for the purpose of sentencing. These are referred to as the 'TIC charges'. For example, Sally faces 5 counts of theft charges. When Sally indicated that she wanted to plead guilty to the charges, the Prosecution offered to proceed only on 2 charges, and have the rest of the charges taken into consideration for the purpose of sentencing. This means that Sally will only be convicted and sentenced on 2 charges, instead of all 5 charges. However, when submitting on the appropriate sentence to be imposed, the Prosecution will ask the Court to consider the fact that Sally has 3 other charges which are being taken into consideration for the purpose of sentencing.

If there are TIC charges, these charges will be explained to you by the interpreter. After the TIC charges have been explained to you, the interpreter will ask you to indicate whether you admit to these charges and consent to have these charges taken into consideration for the purpose of sentencing. If you refuse to do so, the Judge will not be able to take these charges into consideration. This also means that the Prosecution may decide to proceed to trial against you in respect of these remaining charges.

Generally speaking, if you do not dispute the offences alleged in these charges, it is favourable for you to consent to the TIC charges, instead of running the risk of having the Prosecution proceed on these charges separately against you. While a TIC charge may increase the overall punishment which you will receive, it is still likely to be lower than if the Prosecution had proceeded on all the charges against you.

### Step 5: Antecedents

The Prosecution will next inform the Court of your criminal record (antecedent records or antecedents). Your antecedent records will be shown and explained to you. You will be asked to confirm if it is correct. If you agree, you will move on to the next step of the sentencing process. If you do not agree, the Prosecution will have to prove the contents of the criminal record through a Newton Hearing. For more details on Newton Hearing, refer to "Newton Hearing" Section.

### Step 6: The Prosecution's Submissions on Sentence

The Prosecution will give proposals on the appropriate sentence to be imposed by the Court. They may refer to precedent cases i.e. sentences imposed in similar cases decided by the State Courts or the High Court. You should listen carefully. If you do not agree that those cases should be applied to your case, you should take down notes and inform the Court when it is your turn to submit your plea in mitigation. Do not interrupt the proceedings.

### Step 7: Plea in Mitigation

After the Prosecution has made their sentencing submission, you will be asked to present your mitigation plea. The purpose of the mitigation plea is to convey the relevant mitigating facts to the Court so that leniency may be exercised in sentencing. This may include the following:

1. Offence-related mitigating factors: These are factors that are connected to the offence. For example, you may wish to highlight that your involvement in the offence as minor.
2. Offender-related mitigating factors: These are factors personal to the offender i.e. yourself which may justify a lower sentence. Please note that, where necessary, the relevant documents should be shown to the Court.

If you disagree with the Prosecution on their proposed sentences you should highlight the reasons why you disagree. If you have precedent cases that support your submission, please inform the Court what these cases are.

**If you disagree with the Prosecution's submissions on sentence, including precedent cases they are relying on, you should raise this as part of your mitigation.**

The table below contains factors which are commonly found in mitigation pleas. The mitigating factors below are not exhaustive. A lawyer would be in the best position to advise you on the mitigating factors that are relevant to your case.

Look through the table carefully and consider which factors apply to your situation. You should prepare your mitigation plea before the hearing. The plea may be made to the Judge orally or in writing. However, it is preferable to prepare and submit your mitigation plea to the Judge before the hearing. This will allow the Judge to have sufficient time to consider your mitigation plea and for the mitigation plea to be interpreted into the English language if it is not already in the English language.

## Mitigation Checklist

| Personal Profile and Age |
|---|
| What is your profile, family background and occupation? Are you below 21 years old? Generally, young offenders are shown compassion by the Courts as they are still in their formative years and capable of being rehabilitated |
| **Future Plans and Conduct** |
| Intention to stay away from crime in future |
| What do you plan to do after serving your sentence to ensure that you stay crime-free? |
| **Health and Psychiatric Conditions** |
| Do you have any exisiting health conditions or any medical documents to show that you are suffering from any mental conditions which contributed to the commission of the crime? |
| **Antecedents** |
| Do you have a clean criminal record? |
| Is this your first offence? |
| **Degree of Cooperation** |
| Did you plead guilty early because you are sorry for what you have done? |
| Did you surrender yourself to the Police? |
| Did you cooperate with the Police? E.g. helping them in their investigations in relation to the co-accused. |

| Restitution |
| --- |
| Did you try to reduce the harm you had caused to the victim? |
| Did you compensate the victim? |
| **The Crime** |
| Did you benefit from the crime? |
| Was the harm caused serious? |
| What was the extent of your role in the crime? |
| Why did you commit the crime? |
| Were you pressured into committing the offence? What was the pressure and where did it come from? |
| Were you receiving instructions from someone else? |
| Did you plan the offence beforehand? |
| **Provocation** |
| Were you provoked into committing the offence? If so, how? |

Please note that if you are submitting your written mitigation plea to the Judge, you should also provide a copy for the Prosecution. Both copies should be submitted at the same time.

If you are mitigating after pleading guilty (as opposed to having been found guilty after a trial), do note that if you decide to raise any allegations that if true, will mean that any element of the charge(s) has not been made out against you, the Court will take the view that you have qualified your plea of guilt. This is because the Court will only convict you if the Court is satisfied that every single element of the charge has been proven against you. If your plea of guilt is qualified, the Court will reject it and will proceed to give directions for the matter to proceed for trial. You will be directed to return to Court on a future date to obtain directions for trial.

### Step 8: The Prosecution's Reply

After you have submitted your mitigation plea, the Prosecution will be given an opportunity to reply to your mitigation plea.

### Step 9: Compensation Order

Apart from deciding on the sentence to impose, the Judge must also decide whether to order you to make compensation to the victim in appropriate cases. If the Judge decides

to make a compensation order, he will specify the amount you need to pay to the victim. This does not affect any right of the victim to seek compensation from you through the civil courts. The court may also order you to serve a term of imprisonment if you do not pay the compensation sum.

For offences committed on or after 1 August 2024, the victim (or victim's representative/dependent) will be notified of the proceedings and is entitled to produce evidence and make submissions on the issue of compensation to the court. The victim (or victim's representative/dependent) may submit the evidence and/or submissions online or attend the hearing and make oral submissions in court. You may address the Judge on the submissions made by the victim (or victim's representative/dependent). The Judge will then decide whether to make a compensation order against you.

For offences committed before 1 August 2024, the Prosecution may produce evidence and/or make submissions on the issue of compensation to the court on behalf of the victim.

### Step 10: Pronouncement of Sentence

After the Judge has heard from you and the Prosecution, he will consider the appropriate sentence to impose. Examples of the considerations which may weigh on the Judge's decision are as follows:

1. The nature of the offence and the seriousness of the offence.
2. Circumstances in which you committed the offence.
3. The degree of planning.
4. The extent and nature of harm caused.
5. Your criminal history.
6. Personal mitigation circumstances.

The Court may pronounce the sentence immediately thereafter, or may adjourn sentencing to a later date .

If you are not satisfied with the sentence imposed, you may file an appeal within 14 calendar days from the pronouncement of the sentence. More information on Appeals may be found in "Chapter 7 – Appeal".

**If you are not satisfied with the Judge's decision, you may refer to "Chapter 7 – Appeal" on filing an Appeal against conviction or sentence or both.**

### Step 11: Deferment/Postponement of Sentence

If a sentence of imprisonment is imposed, you will be required to begin serving your sentence immediately. However, in certain exceptional situations, you may request the Court to postpone or defer the commencement of your sentence.

If you wish to defer the commencement of your sentence, you should inform the Court immediately upon the pronouncement of your sentence. Your request should be

accompanied by valid reasons. If you are on bail, your bailor should also be present and consent to your request. The Prosecution may either object or consent to your application to postpone the commencement of your sentence. Do note that even if the Prosecution consents to the application, they may apply for bail to be imposed, even if you are currently not on bail, or for the existing bail to be increased.

If your application to defer sentence is approved, the Court may impose additional conditions which you must comply with.

If the Court allows you to defer sentence, the Court will inform you of the date and time that you have to surrender. You must surrender to the Court at the end of the deferred period. Should you fail to do so, a Warrant will be issued for your arrest and your bailor will be required to show cause why the bail money should not be forfeited to the State.

Please note that if your application to defer the commencement of your sentence is granted with bail imposed or increased and you are unable to do so, your sentence will commence immediately.

## Newton Hearing

### To Determine the Truth of Facts or Disputes

During the sentencing process, the Judge can convene a hearing to hear any evidence when there is a dispute as to facts which may materially affect the sentence to be imposed on a person. This is commonly known as a "Newton Hearing". Examples of disputes where a Newton Hearing may be fixed:

1. Conflicting medical reports on whether the accused was suffering from a mental illness during the commission of the offence(s) which would lower his/her culpability (i.e. blameworthiness);
2. The truth of a fact or statement relied upon by the accused in his mitigation plea;
3. Where the accused disputes the record of his/her antecedents.

A Newton Hearing is conducted like a trial. Both the accused and the Prosecution will be given a chance to call their respective witnesses before they make their submissions. The procedure for examining witnesses in a Newton Hearing is like that found at the trial stage, consisting of 3 stages: (i) Examination-in-Chief; (ii) Cross-examination; and (iii) Re-examination. You may refer to "Chapter 5 – Trials" for more information on the examination of witnesses.

At the end of the Newton Hearing, the Judge will pronounce his decision on the disputed issue of fact. Once the decision has been made, the Judge will proceed with the rest of the sentencing process.

# 07

## APPEAL

If you are dissatisfied with the outcome of the trial or the sentence imposed, you can appeal against the decision. This chapter will tell you how the appeal process works and go through the steps necessary for filing an appeal.

## What is an Appeal?

An appeal is filed by a dissatisfied party to have an appellate Court reverse the decision of the lower Court. An appeal may be filed by you or the Prosecution. In cases where both parties disagree with the decision of the Court, both parties may file an appeal.

### What is Appealable?

You may only appeal against a decision made by the Judge. This means, if you had been convicted as a result of pleading guilty, you may not appeal against your conviction. You may, if necessary, appeal against your sentence. However, if you were convicted and sentenced after a trial, you may then decide to appeal either against the conviction, sentence, or both.

### Can I File an Appeal if I Want to Retract My Plea of Guilt After I Have Been Sentenced?

No. You should apply for a "Criminal Revision" at the High Court to set aside the conviction.

**If you plead guilty to an offence, you may only appeal against your sentence. If you are convicted after a trial, you may appeal against conviction or sentence or both.**

## The Appeal Procedure

### How Do I File My Appeal?

You can file your appeal either online via the Integrated Case Management System (ICMS) or in person at the State Courts Service Hub at Level 2 of the State Courts. A fee[1] is payable at the time of submission. A sample "Notice of Appeal" is found at "Chapter 12 – Sample Forms".

Your "Notice of Appeal" must contain an address to which any notices or documents connected with the appeal may be served. A copy of your NRIC and your contact number must also be provided. If you are represented by a lawyer, you should include your lawyer's name, reference number, address, telephone and fax number in the "Notice of Appeal". If you are filing on behalf of a company, please attach a valid letter of authorisation from your company. You will need to sign off on the "Notice of Appeal" on behalf of your company.

### Do I Have a Deadline to File an Appeal?

You must file the appeal within 14 calendar days[2] from the time the sentence or order was made (including weekends, but excluding the day on which the sentence was made).

If you have breached the deadline, you would have to file a Criminal Motion to the High Court to apply for an extension of time to file your appeal. If the High Court Judge grants

---

[1] $5 for the accused charged before 2 January 2011, $50 for an accused charged after 2 January 2011 (Fees stated herein accurate as of 2025).

[2] 10 calendar days if the accused was charged before 2 January 2011.

you an extension of time, you may then proceed to file the "Notice of Appeal" at the State Courts within the extended period granted by the High Court Judge.

**You should file your "Notice of Appeal" within 14 calendar days (excluding the day of sentencing). Otherwise, you must file for an extension of time by the High Court.**

### What Happens After My "Notice of Appeal" is Filed?

After the "Notice of Appeal" is filed, the Court will prepare the "Grounds of Decision" for the case. The "Grounds of Decision" contains the Judge's reasons for his or her decision.

When the "Grounds of Decision" is ready, a copy of it will be served to you or your lawyer via courier service. You will also receive the "Notes of Evidence" which will be a transcript of what was said in Court during the plead guilty mention or trial. After you have received the "Grounds of Decision" and "Notes of Evidence", you should consider carefully whether you would still wish to pursue the appeal. You may wish to seek legal advice on the merits of your appeal before you decide to pursue it.

If you decide not to continue with the appeal, you may file a "Notice of Discontinuance".

### I Have Reviewed the "Grounds of Decision" and I Still Wish to Continue with the Appeal. What Do I Do Next?

If you still wish to pursue your appeal, you must file a "Petition of Appeal" either online via the ICMS or in person at the State Courts Service Hub at Level 2 of the State Courts. You will set out your grounds and reasons on which you are appealing against the lower Court's decision in your "Petition of Appeal", for example, on what point of law or fact which you are stating the lower Court had decided wrongly.

Your "Petition of Appeal" must be filed within 14 calendar days[1] of the service of the "Grounds of Decision" and "Notes of Evidence". If your "Petition of Appeal" is not filed by the deadline, the appeal will be taken as withdrawn and the Court shall enforce its sentence or order.

If you have filed your "Petition of Appeal", the High Court will inform you of the hearing dates of your appeal in due course.

Subject to the Court giving different directions, parties will usually have to file written submissions and a bundle of authorities by 4 pm, at least 10 days before the day of the appeal hearing. You can file the written submissions, which are the arguments for your appeal, via eLitigation. For more information, please visit https://www.judiciary.gov.sg/criminal/appeal-state-courts-criminal-case.

**You must file your Petition of Appeal within 14 calendar days of obtaining the Grounds of Decision and Notes of Evidence. Otherwise, the appeal will be considered withdrawn.**

[1] 10 calendar days if the accused was charged before 2 January 2011.

## Stay of Execution for Sentences and Bail Pending Appeal

If you are sentenced to serve a jail term and you do not wish to start serving your jail term before your appeal is heard, you can apply to the Judge for your sentence to be stayed. When you apply for your sentence to be stayed, you are asking the Judge to suspend your sentence so you do not need to start serving your jail term until your appeal is heard in the High Court. If you apply for your sentence to be stayed, you will be asking to be released on bail pending appeal. You will need to prepare a bailor to be released on bail pending appeal. Please see "Chapter 2 – Essential Information for the Self-Represented Accused" on "Bail" for more details regarding bailors. The Judge will hear from the Prosecutor before deciding whether to grant your application.

You may also apply to stay other types of sentences imposed, for example, payment of fine or commencement of your driving disqualification order and ask to be released on bail pending appeal until your appeal is heard in the High Court.

It is likely that even if there is no objection to your application, the Prosecution will apply for your bail to be increased. If bail pending appeal is not furnished, the sentence will commence immediately.

If, however, you are successfully released on bail pending appeal, you must abide by the terms and conditions of the bail. This usually includes a condition for you to surrender to the Court to serve your sentence if you decide not to pursue the appeal. If you do pursue your appeal, you must attend the hearing of your appeal.

If you fail to surrender, a Warrant to Arrest will be issued against you. You will be arrested and produced in Court. Thereafter, you will be handed over to the Prisons Department for the sentence to be served.

Notice of Appeal filed within 14 calendar days from date of sentence or order



Grounds of Decision and Notes of Evidence prepared and delivered to you



Petition of Appeal filed within 14 calendar days from receipt of documents

# 08

## INTEGRATED CASE MANAGEMENT SYSTEM (ICMS)

This chapter will tell you how to file your Court documents on ICMS, which is the case management system for criminal matters in the State Courts.

# A Quick Guide to ICMS

## Why ICMS?

ICMS enables you to file documents and make applications to the Court.

E-filing can take place at any time of the day.

## Requirements to Use ICMS

An electronic device with an Internet connection. For example: a desktop, a laptop, a tablet, a mobile phone.

An Internet browser – Chrome, Firefox, Edge or Safari.

Adobe Reader – to view case documents.

Documents in Microsoft Word or PDF Format (Note that file size is limited to 50 mb per document).

A scanner to convert paper documents into electronic form for E-filing (if necessary).

## Registration and Login

You will be required to log in with your SingPass username and password with 2-Factor Authentication.

## Access to eCase File

For individuals, access will be granted if a prosecuting agency has filed charges against you. You will need to log in using your SingPass.

## What Can I Do in ICMS?

You can file documents and make applications to the Court at any time. For example:

- Apply to change the date of your hearing.
- Apply for permission to leave the country (for example, to go on holiday, work trip).
- Apply to vacate a mention/ hearing date.
- Apply for a mention date for bail variation.
- Apply for Court Records of your case.
- Upload documents (Note that file size is limited to 50 mb per document).
- File an appeal/Notice of discontinuance.

## Technical Difficulties

If you have any technical difficulties such as uploading or viewing documents or with applications, you can get help by calling – 1800 5878423 or by sending an email to contact@judiciary.gov.sg.

You may also refer to the ICMS "Quick Start Guide for Accused Persons" available on the State Courts website https://www.judiciary.gov.sg/services/icms.

# 09

## FREQUENTLY ASKED QUESTIONS (FAQ)

This chapter provides answers to frequently asked questions on the following topics:

1. Payment of Fines or Offer of Composition;
2. Sentencing;
3. Court Procedures and Administrative Matters;
4. Contact with the Attorney-General's Chambers (AGC); and
5. How Do I Apply for Legal Aid?

## Payment of Fines or Offer of Composition

**Q: Can I have more time to raise funds please?**

**A:** The question of whether to give you time to raise funds will be decided by the Court. If several adjournments have been granted before, it is unlikely that the Court will grant you any further adjournments. In such cases, the Court is likely to take your plea. See "Chapter 2 – Essential Information for the Self-Represented Accused" on "Adjournments" and "Chapter 3 – Mentions Courts" on "Proceedings at the Criminal Mentions Courts" for more information.

**Q: Can I pay the Court fine by way of instalments?**

**A:** Yes, but you must obtain approval from the Court. See "Chapter 6 – Sentencing" on "Fine". For more information, please refer to our website at www.judiciary.gov.sg/services/pay-a-court-fine-or-offer-of-composition.

**Q: I am offered composition but the amount is too large. Can I pay the composition in instalments?**

**A:** As composition is offered by the prosecuting agencies, you may wish to approach them to ask if they will allow you to pay the composition in instalments.

## Sentencing

**Q: This is only my first offence. Can the Court just give me a warning?**

**A:** Stern warnings (in lieu of prosecution) are administered by the Police under the direction of the Attorney-General's Chambers. The Court is not in the position to administer a warning.

**Q: What is my sentence going to be? Will my sentence be higher if I claim trial?**

**A:** The maximum possible sentence is stated at the bottom of your charge sheet(s). Your final sentence depends on a variety of factors. Your sentence will not be higher by simply claiming trial. However, if the Court is satisfied that an accused's early plea of guilt is indicative of his remorse, the Court may consider the early plea of guilt as a mitigating factor, and apply a discount on the sentence imposed. See "Chapter 2 – Essential Information for the Self-Represented Accused" on "Pleading Guilty versus Claiming Trial" and "Chapter 6 – Sentencing" on "Step 10: Pronouncement of Sentence". For more information please refer to the Guidelines on Reduction in Sentences for Guilty Pleas.

**Q: How many days would the in-default sentence for a fine be if I plead guilty?**

**A:** The number of days depends on the discretion of the Judge and is largely dependent on the quantum of the fine and the nature of the offence.

**Q: Can I backdate my in-default sentence?**

**A:** The in-default sentence cannot be back-dated, or be ordered to run 'concurrently'. See "Chapter 6 – Sentencing" on "Fine" for more information.

**Q: My friend faces a similar charge. Why is he offered composition but I am not?**

**A:** Composition is offered by the prosecuting agencies, at their discretion. Some reasons why you are not offered composition may include:

1. The facts in your case are more serious compared to your friend's case.
2. You had previously compounded/been convicted of a similar case.
3. You had previously been offered composition for this case but you did not act on it and the offer of composition has since lapsed or been withdrawn.

**Q: I do not wish to perform Corrective Work Order, I would rather pay a higher fine. Is that possible?**

**A:** The decision will be given by the Court. Upon convicting you of a littering offence, the Judge can sentence you to a Corrective Work Order (unless there are good reasons not to, e.g. physical handicap).

Once a Corrective Work Order is imposed, you are expected to perform the corrective work. Please note that failure to perform the corrective work is an offence.

## Court Procedure and Administrative Matters

**Q: What is a 'Letter of Authorisation'?**

**A:** If you are appearing on behalf of an organisation such as your company, partnership or association at the Court proceedings, you will need to be appointed as the representative by a statement in writing signed by either your director, company secretary, partner, or president (as the case may be) or someone in a similar capacity. The letter should:

1. Be on the organisation's official letterhead
2. Bear the stamp of the organisation
3. Bear the case number and date of hearing
4. Bear your name and designation
5. Bear the name and designation of the person appointing you.

**Q: Final adjournment was given during the last hearing. Can I have one more final adjournment please?**

**A:** The decision will be given by the Court. If several adjournments had been granted before, it is unlikely that the Court will grant you any further adjournments. In such cases, the Court is likely to take your plea. See "Chapter 2 – Essential Information for the Self-Represented Accused" on "Adjournments" and "Chapter 3 – Mentions Courts" on "Proceedings at the Criminal Mentions Courts" for more information.

**Q: Will I be prejudiced by the Court if I ask for an adjournment?**

**A:** You will not be prejudiced by the Court if you have valid reasons to do so. The Court will evaluate requests for adjournments on a case-by-case basis depending on the circumstances of the case and the reasons for the adjournment request.

**Q: Do I have to bring a Letter of Authorisation to every Court hearing?**

**A:** Yes, please bring along a Letter of Authorisation to every Court hearing if you are appearing on behalf of an organisation. The Court needs to ascertain at every hearing, that the person appearing on behalf of the organisation is duly authorised and appointed. Please make sure that your Letter of Authorisation is not out-of-date (i.e. in respect of a Court date that is already over).

**Q: Is it cash bail or 'IC bail'? Can I have 'IC bail' please?**

**A:** 'IC bail' does not apply for Court bails. However, if the bail amount is $15,000 and below, the Courts may allow non-monetary bail to be furnished. For bail amounts higher than $15,000, the bailor is generally required to provide security by means of cash or cash equivalent. See "Chapter 2 – Essential Information for the Self-Represented Accused" on "What type of security may be furnished".

**Q: I am supposed to attend Court next week, but I just lost my IC yesterday. I have no other photo ID. What should I do?**

**A:** Check carefully if you have some other photo ID (e.g. passport or staff pass bearing your particulars and photo). If you do not have any photo ID (including Singpass), bring to Court documents which support your reasons for not having such photo ID. For example:

1. Evidence of the loss of your IC (e.g. police report, insurance claim/report where loss of IC was due to housebreaking)
2. Evidence of your attempts at obtaining a replacement IC (e.g. correspondence with ICA).

**Q: My boss, the director of our company, is being charged as an accused. I am his office assistant. Can he instruct me to attend Court on his behalf?**

**A:** If your boss is the accused, he has to attend Court himself to face the charge. You cannot attend Court on his behalf, as his proxy. If your boss fails to attend Court, a Warrant to Arrest may be issued against him.

**Q: Can I use generative Artificial Intelligence (AI) tools to assist in my written submissions?**

**A:** Yes, you can use generative AI tools to assist in your written submissions, but you will assume full responsibility for the output. You are also responsible for ensuring that all information provided to the Court is independently verified, accurate, true, and appropriate.

Please also refer to the Guide on the Use of Generative Artificial Intelligence Tools by Court Users for more information.

### Q: How do I file Court documents?

**A:** You may file your documents via the Integrated Case Management System (ICMS). ICMS is an online platform for parties to manage all criminal proceedings within the State Courts. See "Chapter 8 – Integrated Case Management System (ICMS)" for more information on the ICMS. Please also refer to the ICMS Quick Start Guide for more information.

## Contact with the AGC

### Q: How do I submit my representations to the AGC?

**A:** You may submit your representations to the AGC on this online form: www.agc.gov.sg/contact-us/criminal-case-matters.

Alternatively, you may send a hard copy of your representations to The Attorney-General's Chambers, 1 Upper Pickering Street, Singapore 058288.

### Q: How do I contact the AGC?

**A:** You may contact the AGC at AGC_Crime_Representations@agc.gov.sg. The address of the Attorney-General's Chambers is 1 Upper Pickering St, Singapore 058288. For more information, you may refer to their website at www.agc.gov.sg.

## How Do I Apply for Legal Aid?

### Q: Where can I apply to the CLAS?

**A:** The "Criminal Legal Aid Scheme" (CLAS) is run by the Pro Bono SG. You may approach the Pro Bono SG located at the HELP Centre at Basement 1 of the State Courts Towers for assistance. See "Chapter 2 – Essential Information for the Self-Represented Accused" on "The Criminal Legal Aid Scheme".

### Q: Where can I apply to the PDO?

**A:** The "Public Defender's Office" (PDO) is run by the Ministry of Law and is established to enhance access to justice to vulnerable persons through the provision of criminal defence aid. The PDO will assess applications for criminal defence aid, and means test to assess the financial circumstances and merits test to assess whether there are reasonable grounds of the case. If you are eligible, you would be granted criminal defence aid and assigned to a Public Defender, who will then represent you. See "Chapter 2 – Essential Information for the Self-Represented Accused" on "PDO" for more information. Please also refer to the PDO's website and for more information: https://pdo.mlaw.gov.sg/about-us/about-the-public-defenders-office/

# 10

## GLOSSARY

This chapter includes definitions and explanations of terms which are commonly used.

# A

### Accused

The person who is charged with committing a criminal offence.

### Acquittal

A finding by the Judge that the accused is not guilty of the offence(s) he is charged with.

### Adjournment/Further Mention

When the hearing of a case is postponed to a later date.

### Admissibility

Describes evidence that is accepted and allowed to be considered by the Court.

### Antecedents

An accused's previous criminal record.

### Appeal

An appeal is filed by a dissatisfied party to have an appellate Court reverse the decision of the lower Court.

# B

### Bail

Property or money offered to the Court to ensure that the accused will continue to attend all Court hearings after being released from remand.

Temporary release of an accused awaiting trial or a hearing, usually on the condition that a sum of money is lodged to guarantee his/her appearance in Court.

### Bailor

A person who is willing to provide security for the amount of money ordered by the Court for the bail amount, so that the accused may be released from remand. A bailor is also known as a 'surety'.

# C

### Chambers

The private office of a judge or where they deal with matters outside of a Court session.

### Charge

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.

## C

### Claim trial

An accused "claims trial" if he does not admit that he is guilty and wishes to defend himself against the charge(s) at trial.

### Conviction

A pronouncement of guilt by the Judge against the accused. If an accused person is convicted of an offence, this means the accused is formally declared to have committed that crime.

### Cross-examination

Being questioned by the opposing party.

### Counsel/Lawyer

The person who represents the accused in a case.

## D

### Default sentence

An imprisonment term served by an accused when he fails to pay the fine imposed by the Court.

## L

### Litigant

The party involved in a lawsuit, either the complainant or defendant.

## M

### Mitigation

A chance for the accused to convey relevant mitigating facts (i.e. reasons or explanations) to the Judge for leniency to be shown to him during sentencing.

## N

### Newton Hearing/Ancillary Hearing

An additional hearing also known as an "Ancillary Hearing", convened during sentencing process when there is a dispute as to facts which may materially affect the sentence to be imposed on an accused following his conviction.

## O

### Oath

A swearing to tell the truth in Court, usually according to religious beliefs, failing which the oath-taker could be prosecuted for lying.

## P

### Plea

The answer that an accused person gives to the Court at the start of a trial when asked if guilty or not.

### Plead guilty

If an accused pleads guilty, he admits to committing the offence(s) as stated in the charge(s).

### Pre-trial Conference (PTC)

A hearing held to prepare parties for trial and to settle any administrative matters before the trial date is fixed.

### Probation

A period of supervision over an offender, ordered by the Court instead of serving a prison sentence.

### Prosecutor/Prosecution/Deputy Public Prosecutor (DPP)

Prosecutors conduct criminal proceedings against an accused on behalf of the State.

## R

### Remand

When the accused is held in the custody of the Police pending investigations or when he cannot raise bail.

## S

### Sentence

The punishment imposed by the Court on an accused who has been convicted on the charges brought against him.

## S

### Statement of facts

A statement of facts prepared by the Prosecution which contains relevant facts of the offence.

### Stood down charge(s)

Charge(s) temporarily put on hold, but which the Prosecution may at a later stage (1) apply to take-into-consideration (TIC) for the purpose of sentencing, (2) apply to proceed with it or (3) withdraw it.

### Summons to a Witness

A document issued by the Court to a person ordering him to come to Court on a stipulated date and time.

## T

### Take-into-consideration (TIC) charges

Charge(s) considered by the Judge in determining the punishment. The accused is not punished separately for the TIC charges, although the overall punishment imposed on the accused may be increased as a result of the TIC charges.

### Trial

A hearing held for the purpose of determining whether the accused is guilty of the charges brought against him.

## V

### Verdict

A finding made by the Judge at the end of the trial as to whether the accused is guilty or not guilty of the charges brought against him.

## W

### Warrant to Arrest

A Court document that allows the Police to arrest someone.

### Witness

A person who gives evidence at a trial. A witness has to be sworn or affirmed to formally promise to tell the truth before he can give evidence.

# 11

## USEFUL LINKS

This chapter includes links that can connect you to organisations that can offer emotional help and support, as well as links for making representations to prosecuting agencies for Night Courts.

## Emotional Help and Support

A Court case can be highly stressful for an accused. If you are having emotional difficulties, you may seek emotional help and support from the following organisations.

**ComCare Hotline**
Social Assistance for low-income individuals and families

**Helpline**
1800 222 0000

**Website**
www.msf.gov.sg/what-we-do/comcare

**National Mindline**
Provides 24-hour support for any questions or help you need about mental health.

**Helpline**
1771

**Website**
https://www.mindline.sg

**Samaritans of Singapore (SOS)**
For people in crisis, thinking of suicide or affected by suicide

**Helpline**
1767

**Website**
www.sos.org.sg

**National Anti-Violence & Sexual Harassment Helpline**
A dedicated 24-hour helpline for reporting of violence and abuse

**Helpline**
1800 777 0000

**Online Reporting Form**
go.gov.sg/navh

**National Addictions Management Service**
Providing support and treatment for addictions to drugs, alcohol, gambling, gaming and others

**Telephone**
6389 2000

**Website**
https://www.nams.sg

**National Council on Problem Gambling**
For those who wants to seek help for problem gambling

**Helpline**
1800 6 668 668

**Website**
www.ncpg.org.sg/

**We Care Community Services**
Support and treatment for various forms of addiction and compulsive behaviours

**Telephone**
3165 8017

**Website**
https://www.wecare.org.sg

**Mindfull Community Limited**
Support for caregivers

**Telephone**
6460 4400

**Website**
https://www.mindfull.org.sg/

For more hotlines and information on where you can receive help, please visit the National Council of Social Service's website www.ncss.gov.sg.

You may also wish to refer to the website of the SG Courts on the Community Resources available at https://www.judiciary.gov.sg/legal-help-support/seek-help-with-community-resources.

## Links for making representations to prosecuting agencies for Night Courts

### Night Court 4AN

**HDB**

**E-Portal**
services2.hdb.gov.sg/webapp/BL16AWESVAPPEAL/faces/JSP/eservices/appeal/BL16RSubmitAppealSearch.jsp

**Helpline**
1800-2255432

**SFA**

**E-Portal (through feedback form "Warning, Fines and Summonses")**
csp.sfa.gov.sg/feedback

**URA**

**E-Portal**
URA eService - Appeal for Parking Fines

**NEA**

**E-Portal (download Appeal form)**
www.eportal.nea.gov.sg/category/Others and attach supporting documents and email to

**Email**
contact_nea@nea.gov.sg

**Helpline**
62255632

**ACRA**

**E-Portal**
form.gov.sg/64b77f7b7075fe0011f7c3eb

**CPFB**

**E-Portal**
www.cpf.gov.sg/service/write-to-us

**TC**

Contact the representative town council

**IRAS**

**Helpline**
63567012

**Email**
enfct@iras.gov.sg

**JTC**

**Helpline**
1800-5687000

**Email**
askjtc@jtc.gov.sg

## Night Court 4BN

**TP**

**E-Portal (Click on E-services to access Traffic a-Appeals Portal**
www.police.gov.sg

**LTA**

**E-Portal**
www.onemotoring.lta.gov.sg

**HSA**

Walk-in requests are not accepted.

**E-Portal**
go.gov.sg/HSAreoffer

## Others

**ICMS Website and Quick Guide**

**Website and attached document**
www.judiciary.gov.sg/services/icms

**Sentencing Advisory Panel Guidelines**

**Website**
https://www.sentencingpanel.gov.sg/

**Guidelines on Reduction in Sentences for Guilty Pleas**
www.sentencingpanel.gov.sg/resources/guidelines/guilty-pleas

# 12

## SAMPLE FORMS

Samples of the most commonly used forms as listed below can be found in this chapter. These forms, as well as other less common forms or their requirements, can also be downloaded from https://www.judiciary.gov.sg/forms.

- Sample Case for the Defence
- Application for Issue of Summons to a Witness
- Notice of Appeal
- Petition of Appeal
- Notice for Discontinuance

**IN THE STATE COURTS OF THE REPUBLIC OF SINGAPORE**

**DAC- 9xxxxx•20xx**

**PUBLIC PROSECUTOR**

**Against**

**JOHN DOE**

**CASE FOR THE DEFENCE**

**A. THE ACCUSED'S DEFENCE AGAINST THE CHARGE UNDER S323 OF THE PENAL CODE**

1. The Accused denies that he had assaulted the Victim. It was the Victim who had first confronted and assaulted him- This resulted in the Accused having to push him away as an act of self-defence. Any injuries allegedly suffered by the Victim were therefore due to the Victim's own actions.

**B. LIST OF THE NAMES OF WITNESSES FOR THE DEFENCE**

1. The Accused, John Doe.
2. Mr. ABC, an independent witness present at the scene.
3. Mr. EFG, a medical expert witness to challenge the injuries allegedly sustained by the Victim.

**C. LIST OF EXHIBITS TO BE ADMITTED AT TRIAL**

1. An expert medical report.
2. A CCTV recording of the incident.

**APPLICATION FOR ISSUE OF SUMMONS TO A WITNESS**

A. Applicant Particulars

Name of applicant: _____NRIC: _____

Address: _____

Contact No.: _____ (Main no.) _____ (Second No.)

B. Case Details

Case No.: _____

Charges: MSC/MCN/DCN/DAC _____

Name of Complainant: _____

Name of Defendant/Respondent: _____

Date and Time of Hearing: _____

C. Witness Particulars

I wish to apply for Summons to a Witness to be issued to the following person to give evidence for the

Defence/Prosecution: _____

Name of Witness: _____

Address: _____

Relevance of Witness to Case:

_____

_____

_____

_____

Where hearing is scheduled within the next 7 days from the date of application:

☐ I confirm that I have informed the above witness of the hearing, and the witness is agreeable to attend court if summoned.

_____ _____

Applicant's Signature Date

NOTICE OF APPEAL
(SECTIONS 374 TO 377)

IN THE GENERAL DIVISION OF THE HIGH COURT
OF THE REPUBLIC OF SINGAPORE

Magistrate's Appeal No. of 20 .

State Court No.

Case No. & Charge Nos.

Between

[*Name of Appellant*] ... Appellant

And

PUBLIC PROSECUTOR ... Respondent

NOTICE OF APPEAL

Take Notice that the abovenamed appellant, being dissatisfied with *[*his/her *conviction/sentence/conviction and sentence]/[the order of (*to include a brief description of the order*) made] by the [*District Judge/Magistrate] in Court No. of the State Courts on (*state date(s) of the conviction, sentence and/or order being appealed against*), hereby appeals against the said [*conviction/sentence/conviction and sentence/order] in the abovementioned case.

Dated this day of 20 .

(*Signature*)

Signature of *Appellant/Appellant's advocate

*[NRIC No. _____] (delete if signed by Appellant's advocate)

[The address of service of the abovementioned *Appellant/Appellant's advocate is:_____

Telephone (Home/Office): _____ Mobile: _____

Email address: _____]

*Please delete accordingly

PETITION OF APPEAL
(SECTION 378)

IN THE GENERAL DIVISION OF THE HIGH COURT
OF THE REPUBLIC OF SINGAPORE

Magistrate's Appeal No. of 20

State Court No.

Case No./Charge Nos.

Between

[*Name of Appellant*] … Appellant

And

PUBLIC PROSECUTOR … Respondent

PETITION OF APPEAL

The petition of (*name of appellant*)

Is as follows:

1. The accused, (*name of accused*), was charged with (*describe the charge(s) briefly*) and convicted at Court No. of the State Courts at Singapore on (*state date(s) of the conviction, sentence and/or order*), and the following [*order was/orders were] made thereon (*to include a brief description of the substance of the judgment, sentence or order*).

2. The appellant is dissatisfied with the said [*conviction/sentence/conviction and sentence/order of (*to include a brief description of the order*)] on the following grounds:

(*State sufficient particulars of the grounds of appeal on which the appellant relies*).

Dated this day of 20 .

(*Signature*)

Signature of *Appellant/Appellant's advocate

*[NRIC No. ] (delete if signed by Appellant's advocate)

*Please delete accordingly

NOTICE OF DISCONTINUANCE
(SECTION 378)

IN THE GENERAL DIVISION OF THE HIGH COURT
OF THE REPUBLIC OF SINGAPORE

Magistrate's Appeal No.

State Court No.

Case No.

Between

[*Name of Appellant*] ... Appellant

And

PUBLIC PROSECUTOR ... Respondent

NOTICE OF DISCONTINUANCE

Take Notice that the appellant hereby **wholly** discontinues the appeal lodged on (*state date of filing of the notice of appeal*) with the Registrar of the State Courts, Singapore.

Dated this day of 20 .

(*Signature*)

Signature of *Appellant/Appellant's advocate

*[NRIC No. ] (delete if signed by Appellant's advocate)

*Please delete accordingly

Disclaimer: This publication is produced for general information only and is not intended as substitution for legal advice. A lawyer should be consulted should you require legal advice on your case. The State Courts disclaim any and all liabilities arising from and in connection with the contents of this publication.

All information is correct as of 19 October 2026.

1 Havelock Square
Singapore 059724
Tel: 6 JUSTICE (65878423)
www.judiciary.gov.sg

In collaboration with