

# GUIDEBOOK FOR **ACCUSED IN PERSON**

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A Guide to Representing Yourself in Court





## **FOREWORD**

The State Courts are deeply committed to facilitating and equalising access to justice for all our Court users. In this regard, knowledge and understanding of the criminal justice system is essential to the effective self-representation by an accused person. Enabling accused persons to easily locate key information on the criminal justice system promotes their ready 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 with the publication of the second edition of this Guide, which has been updated with the enhancements to the criminal justice processes in 2018 as a result of the Criminal Justice Reform Act 2018 and the relocation of the State Courts to the State Courts Towers.

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

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

## **PREFACE**

A common refrain from the self-represented accused is that he/she finds the legal process hard to understand and navigate. The self-represented accused may invariably feel bewildered during the proceedings. Many-a-times, the self-represented accused person may be left to wonder whether he could have mounted a better defence, had he been apprised of the intricacies of the Court proceedings.

This Guide aims to fill the gap by helping the self-represented accused acquire a better understanding of the criminal proceedings. In this Guide, the self-represented accused will find comprehensive information relating to each stage of the criminal proceedings. The Guide also explains what the accused may expect to encounter at each stage of proceedings and more crucially, how they may prepare for the proceedings. Other information such as Court etiquette, where legal advice may be sought, and information on the Integrated Case Management System are also dealt with in this Guide.

While this Guide is not intended to replace legal advice, it hopes to empower the self-represented accused by helping him understand the criminal proceedings to which he is subjected to. I trust that this Guide will be an invaluable resource for the self-represented accused.

**Mr. Chew Kwee San, Council Member, Tan Chin Tuan Foundation**  
**Vice Chairman of the Community Justice Centre**

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# 01

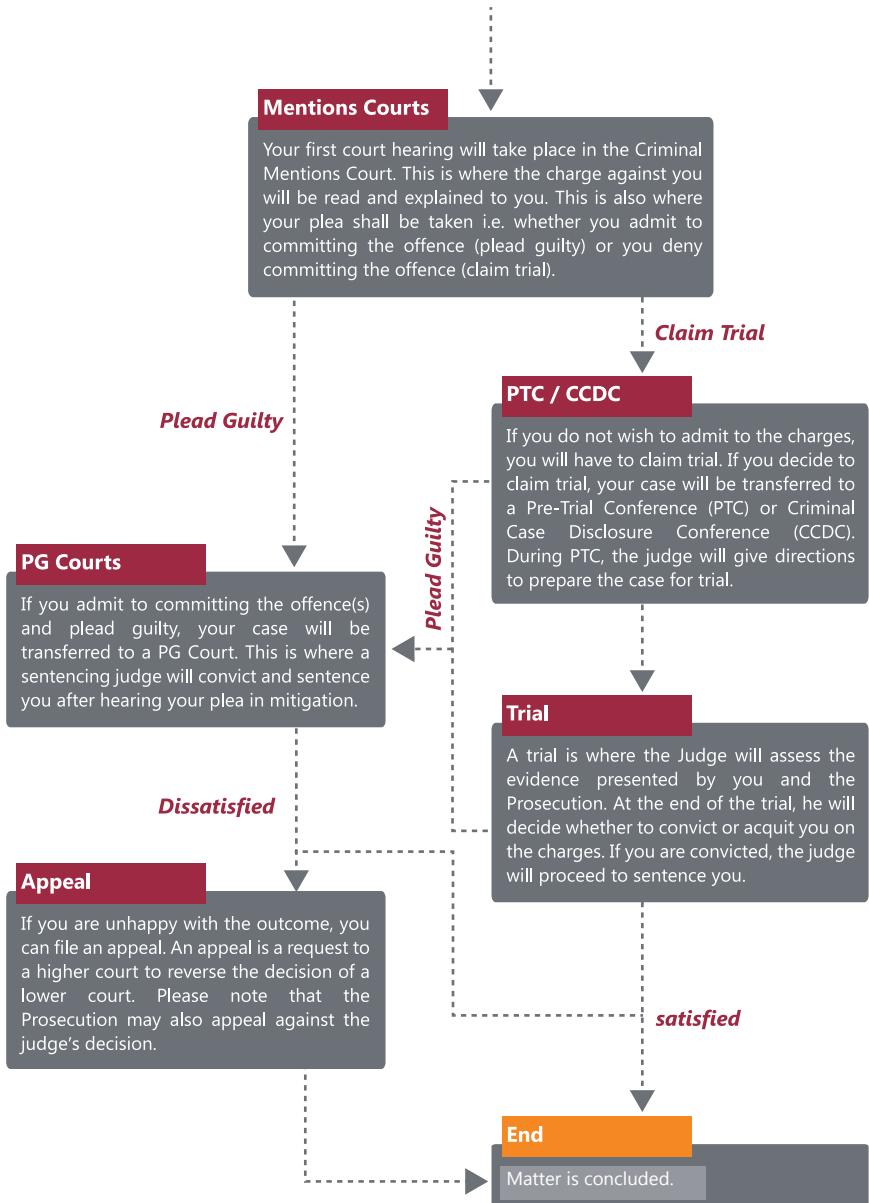
## **AN OVERVIEW**

- (A) A Flow Chart of the Criminal Process
- (B) How do I use this book?

## CHAPTER 1

# AN OVERVIEW

(A) A Flow Chart of the Criminal Process



**(B) How do I use this book?*****(1) 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. Hence, you are strongly encouraged to read through Chapter 2, regardless of which stage of the proceedings you may be at.

***(2) "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, you can refer to "Chapter 3 – Mentions Courts". If your case has been fixed for a 'Pre-Trial Conference (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 – Trial". If you are being sentenced, you should refer to "Chapter 6 – Sentencing".

***(3) "I want to admit to the charges."***

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

***(4) "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 – Trial" will give you information on the trial process.

***(5) "I am unhappy with the decision of the Court"***

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

***(6) "How do I e-file my documents in Court?"***

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



***(7) "I have some questions on my mind..."***

You may find the answers in "Chapter 9 – Frequently Asked Questions (FAQ)". If you do not find your answer, you may contact the State Courts' Call Centre at 65878423 or 1800 JUSTICE (1800 5878423), or email your query to [contact@statecourts.gov.sg](mailto:contact@statecourts.gov.sg). 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.

***(8) "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**

- (A) Should I hire a lawyer?
- (B) Where can I get legal advice?
- (C) Useful Legal Resources
- (D) Pleading Guilty versus Claiming Trial
- (E) Adjournments
- (F) Bail/Personal Bond
- (G) Court Etiquette

## CHAPTER 2

# ESSENTIAL INFORMATION FOR THE SELF-REPRESENTED ACCUSED

### **(A) Should I hire a lawyer?**

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

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

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

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

## **(B) Where can I get legal advice?**

### ***(1) Engage a lawyer***

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

### ***(2) The Criminal Legal Aid Scheme (CLAS)***

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

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

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

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

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

**Telephone:** 6536 0650

**Email:** [clas@lawsocprobono.org](mailto:clas@lawsocprobono.org)

### **(3) Remand clinic**

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

### **(4) The CJC HELP Centre**

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

#### **(a) On-Site Legal Advice Scheme**

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

#### **(b) Primary Justice Project (Criminal)**

You may get a lawyer to represent you at the Criminal Case Management System<sup>1</sup> (CCMS) or Criminal Case Resolution<sup>2</sup> (CCR) for a fee<sup>3</sup>. The lawyer will help you to request for

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<sup>1</sup> 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.

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

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

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

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

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

(d) Friends of Litigants in Person (FLiP)

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

*Legal Help & Social Assistance*

*The Community Justice Centre*

*Basement 1, HELP Centre, State Courts Towers*

*Tel: 6557 4100*

*Email: [help@cjc.org.sg](mailto:help@cjc.org.sg)*

*Web: [www.cjc.org.sg](http://www.cjc.org.sg)*

## (C) Useful Legal Resources

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

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

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

## (D) Pleading Guilty versus Claiming Trial

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

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

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

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

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

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

### (E) Adjournments

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

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

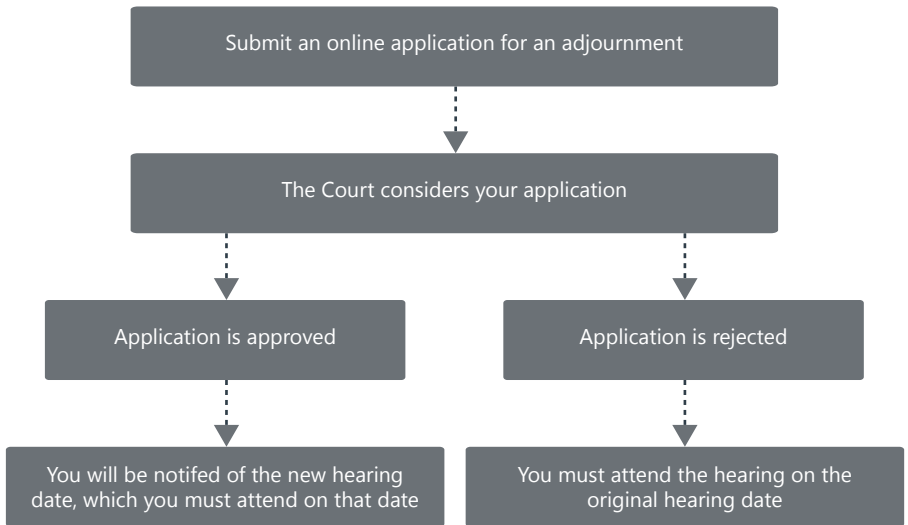
By the Prosecution	By the Accused
<ul style="list-style-type: none"> <li>▶ For further investigations</li> <li>▶ To apply for reports such as medical reports or Health Sciences Authority reports</li> <li>▶ To obtain the Attorney-General's Chambers' directions on the case</li> <li>▶ To review and reply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

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

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



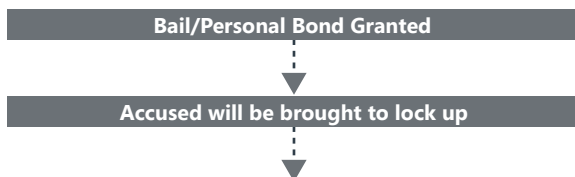
(b) **Online Application:** File an online application to reschedule the Court hearing date in the State Courts Integrated Case Management System (ICMS). You may either access ICMS via the internet or using the ICMS kiosks located in the State Courts. Please monitor the outcome of your request by logging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

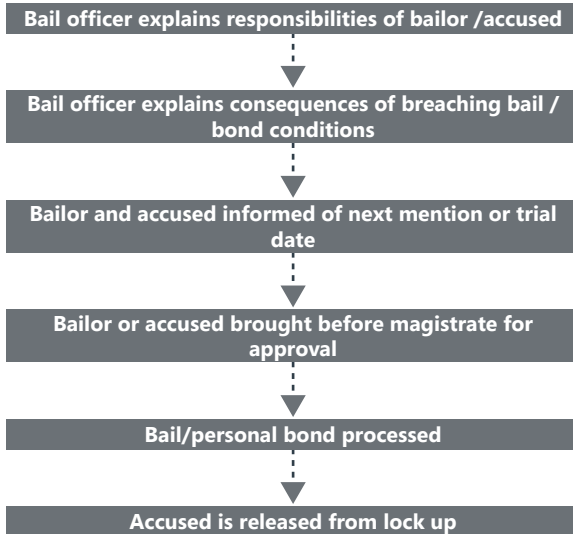


**(F) Bail/Personal Bond**

***(1) What is Bail/Personal Bond?***

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





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

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

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

## ***(2) Bail/Personal bond conditions***

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

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

Other conditions commonly imposed include:

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

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

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

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

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

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

### ***(4) What type of security may be furnished?***

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

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

### ***(5) Who can be my bailor?***

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

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

### ***(6) How does my bailor bail me out?***

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

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

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

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

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

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

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

Monday to Thursday

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

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

Friday

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

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

Saturday

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### (G) Court Etiquette

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

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

<b>What to do upon arrival</b>	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
<b>General behaviour in the Courtroom</b>	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
<b>Addressing others in the Courtroom</b>	DO address the Judge as "Your Honour"	DO NOT say anything rude, insulting or vulgar in Court
	DO address the Prosecutor as "the learned Prosecutor"	
	DO address witnesses by their surname e.g. Miss Tan or Miss Kamala	
<b>Speaking in Court</b>	DO speak clearly and slowly into the microphone as everything said in Court will be recorded	DO NOT slur your words
	DO wait for the interpreter to finish interpreting your previous sentence before continuing	DO NOT speak in a mix of languages if you are speaking through an interpreter
	DO wait for a question to be fully completed before answering	DO NOT interrupt others while they are speaking, especially the Judge. Wait for your turn to speak
<b>Making or seeking clarifications</b>	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



# 03

## **MENTIONS COURTS**

(A) Introduction

(B) Proceedings at the Criminal Mentions Courts

(C) Night Courts - Regulatory and Minor Traffic  
Offences

(D) Pleading Guilty By Letter

## CHAPTER 3

# MENTIONS COURTS

### **(A) Introduction**

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 and to give his plea (whether guilty or not guilty). Criminal Mentions Courts include both the day mentions Courts and the night mentions Courts (Night Courts).

Court attendance is compulsory. If you fail to attend Court, a Warrant of Arrest may be issued against you. If you fail to attend Court while you are on bail, your bailor will have to explain to the Court why the bail amount should not be forfeited.

### **(B) Proceedings at the Criminal Mentions Courts**

#### ***(1) Being called for Mentions***

This is the first stage of the process. You will be brought to a Mentions Court when the Prosecution is ready to charge you officially. 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 and time you are required to appear in Court.

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 or driver's licence). If you are appearing on behalf of an accused company (or any other corporate entity), please bring along your identification document as well as a valid letter of authorisation<sup>5</sup> from the accused company or corporate entity.

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<sup>5</sup> The letter of authorisation (LA) should comply with the requirements set out in s117(6) of the Criminal Procedure Code (Cap 68). 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.

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

### ***(2) Before the Mentions***

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

### ***(3) During the Mentions***

At the Mentions Court, you will see many other cases being heard. Listen out for your name and stand up when you are called. Show the Court officer your identification document. You may then be asked to stand in the dock. Before the charge(s) is/are read, an interpreter will ask you for the language of your choice. The charge and the prescribed punishment will then be read and explained to you in the language you chose. Make sure that you understand what the charge against you is about, and the range of punishment that can be imposed on you. If you do not understand, do not be afraid to ask for clarification.

### ***(4) After the Charges have been read***

Once the charge(s) have been read to you, the Judge may make any of the following orders:-

**(a) Direct that plea be taken (take plea)** – 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(D) on “Pleading Guilty versus Claiming Trial”.

**(b) Order of Remand** – Remand is the stage where an accused is held in custody. There are 2 scenarios where you may be remanded:

(i) In the first scenario, the Prosecution may apply for you to be remanded for the purpose of investigations. 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.

(ii) In the second scenario, cases where no bail is offered or bail is offered but not furnished, you will be remanded in the prison until bail is furnished or the case is concluded, whichever is earlier.

**(c) Adjourn the case to a later date** - This usually happens when either you or the Prosecutor asks for an adjournment. The application will be considered on its merits and in accordance with the law. For more information on adjournments, please refer to Chapter 2(E) on "Adjournments".

### ***(5) What happens if I decide to Plead Guilty (PG)?***

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. Otherwise, the Mentions Court will usually transfer your case to be heard by a Sentencing Court (usually referred to as the PG Courts). Your next hearing will be referred to as the PG Mention. The Mentions Court will inform you of the next date, time and venue of your PG Mention. For information on Sentencing, please turn to Chapter 6 - Sentencing.

### ***(6) What happens if I decide to Claim Trial?***

In the event you decide to claim trial, your case will be fixed for a Pre-Trial Conference (PTC). The case will be transferred from the Mentions Court to the PTC Centre. The Mentions Court will inform you of the next date, time and venue of your PTC. For more information on the PTC, please refer to Chapter 4 – Pre-Trial Conference.

### ***(7) If the matter is adjourned***

If the case is adjourned to another date, the Judge will decide if you can be released on bail until the next hearing. Bail is usually granted unless there are reasonable grounds to believe that you will fail to appear at the next hearing or commit other offences whilst on bail. Your existing bail may be extended or you may be offered Court bail. You should bring along a family member or friend who is a Singaporean at your first appearance at the Mentions Court, in case you need someone to bail you. For more information on bail, please refer to Chapter 2(F) - Bail/Personal Bond.

## **(C) Night Courts - Regulatory and Minor Traffic Offences**

### ***(1) 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 at and the date and time you are required to appear in Court for the Mention.

It is important that you keep track of your Court dates. If you fail to attend Court, a Warrant of Arrest may be issued against you. In certain cases, you may also be disqualified from holding or obtaining a driving license until the cases against you have concluded, or for such other period as the Court thinks fit. In addition, your bailor will have to explain to the Court why the bail amount should not be forfeited.

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

### ***(2) Composition of offences for Night Courts' cases***

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, failing which, you would have to attend at the Night Court. If you are convicted by the Court, the fine imposed will generally be higher than the amount offered for composition. 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.

For minor traffic and parking offences prosecuted by the Traffic Police, Land Transport Authority, Housing and Development Board and the Urban Redevelopment Authority, 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 and credit card transactions, and is a convenient way of paying the composition fine.

However, there is usually a prescribed period for you to compound the offence. If the period for you to compound your offence has expired, you will have to:

- (a) Plead guilty and pay the Court fine using ATOMS (where this is available for your offence); or
- (b) Attend at the Night Courts to plead guilty.

The offer of composition can also be revoked by the prosecuting agency, e.g. when you fail to attend Court and a Warrant of Arrest is issued. It is therefore in your interest to compound early, while the offer of composition is still available to you.

### ***(3) What if I need some time before I can pay the fine?***

You may access the Integrated Case Management System (ICMS) online before the time of your mention, using your SingPass, and make an online request for adjournment, indicating the reason for requesting for 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 at the Night Court mentions as required. Otherwise, a Warrant of 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 make representations to the relevant law enforcement agencies, settle personal affairs or to raise funds to pay the Court fine. 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(E) – Adjournments.

#### ***(4) What happens during the mentions in the Night Courts?***

You will first be required to register at the kiosk outside the Night Courts. Thereafter, the procedure of the hearing is similar to a hearing in a normal Mentions Court. You can refer to Section (B) of this chapter for more information. You should bring your Notice to Attend Court, Summons, Bail Bond or such related document when you attend Court.

#### ***(5) Will my case always be heard in the Night Courts?***

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

- (a) You decide to claim trial; or
- (b) 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, your case will take place in Court 7B. If your case was heard in Court 4AN, your case will be heard in Court 7A. If your case is transferred to the Day Courts, the Court will let you know the date, time and venue of your next Court session.

### **(D) Pleading Guilty By Letter**

#### ***(1) Can I plead guilty by letter?***

- (a) 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
- (b) You agree to pay any fine that may be imposed for the offence.

#### ***(2) 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. The letter must also provide your postal address so that the Court can inform you of the sentence imposed.

***(3) 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. The Court will sentence you to a fine with or without a sentence of imprisonment in default of payment of the fine.

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.

***(4) What happens thereafter?***

You will be notified of the Court's decision by letter. 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 ACS (Automated Collection System) kiosk machine. 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.



# 04

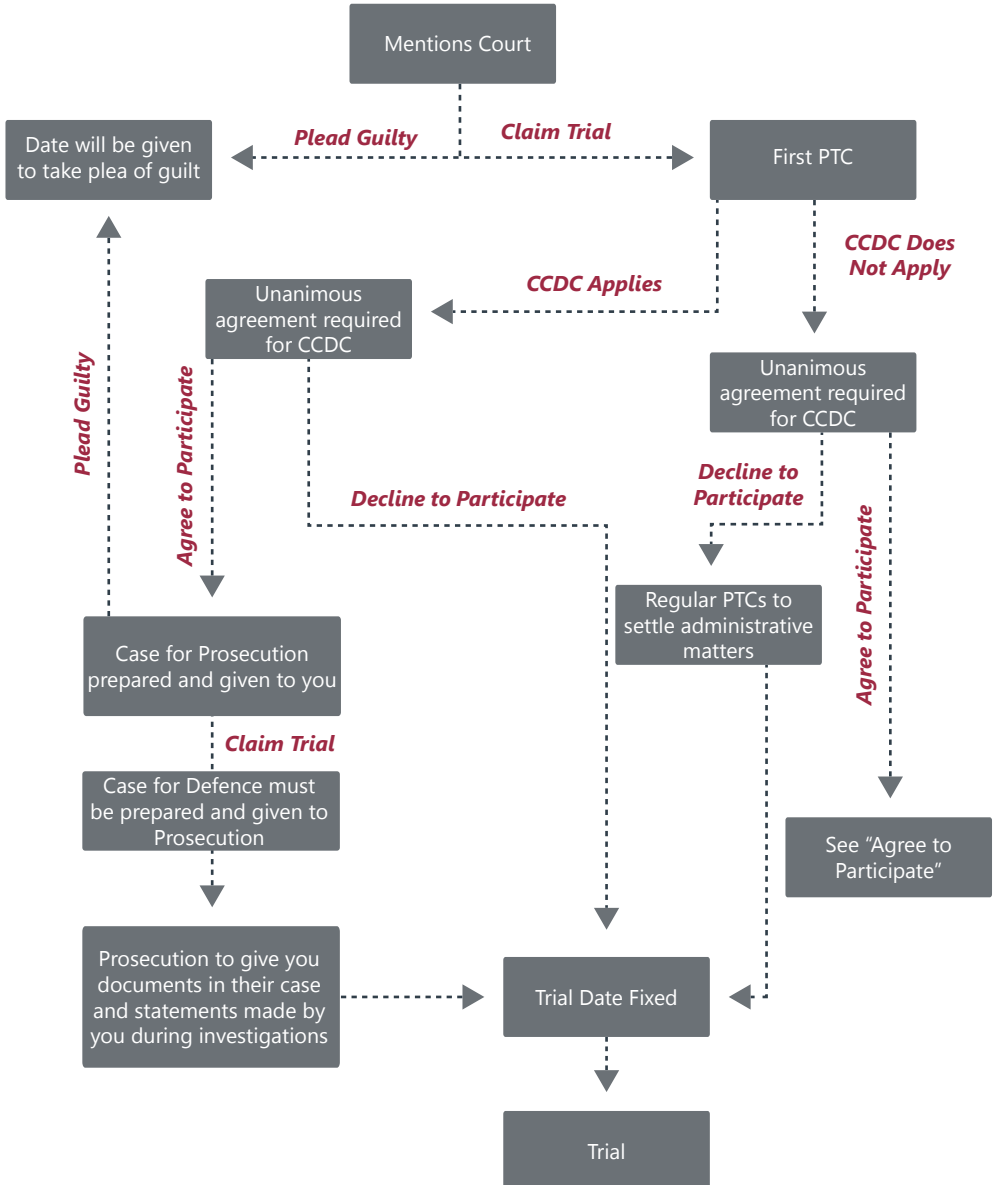
## **PRE-TRIAL CONFERENCES**

- (A) What is a Pre-Trial Conference (PTC)
- (B) How should I prepare for the PTC?
- (C) What should I expect during the hearing?
- (D) Criminal Case Disclosure Conference (CCDC)

## CHAPTER 4

# PRE-TRIAL CONFERENCES

A flow chart of the criminal process in brief



**(A) What is a Pre-Trial Conference (PTC)?**

If you claim trial during the mention of your case, the Mentions Court will fix the case for a Pre-Trial Conference (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.

**(B) 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:

- (i) 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.
- (ii) Indicate to the Court the number of witnesses that you wish to call at the trial.
- (iii) If you require a translator 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.

**(C) What should I expect during the hearing?**

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.

## (D) Criminal Case Disclosure Conference (CCDC)

### (1) 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.

***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.***

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:

1. Arms and Explosives Act (Cap 13)
2. Arms Offences Act (Cap 14)
3. Banishment Act (Cap 18)
4. Banking Act (Cap 19)
5. Casino Control Act (Cap 33A)
6. Computer Misuse Act (Cap 50A)
7. Corrosive and Explosive Substances and Offensive Weapons Act (Cap 65)
8. Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act (Cap 65A)
9. Criminal Law (Temporary Provisions) Act (Cap 67)
10. Hijacking of Aircraft and Protection of Aircraft and International Airports Act (Cap 124)
11. Immigration Act (Cap 133) (other than Ss 6 and 15)
12. Infrastructure Protection Act 2017 (Act 41 of 2017)
13. Internal Security Act (Cap 143)
14. Maintenance of Religious Harmony Act (Cap 167A)
15. Misuse of Drugs Act (Cap 185)
16. Moneylenders Act (Cap 188)
17. Oaths and Declarations Act (Cap 211)
18. Official Secrets Act (Cap 213)
19. Passports Act (Cap 220)
20. Penal Code (Cap 224)
21. Prevention of Corruption Act (Cap 241)
22. Prevention of Human Trafficking Act (Act 45 of 2014)
23. Prisons Act (Cap 247)
24. Protected Areas and Protected Places Act (Cap 256)

25. Public Entertainments Act (Cap 257)
26. Public Order and Safety (Special Powers) Act 2018
27. Remote Gaming Act 2014 (Act 34 of 2014)
28. Securities and Futures Act (Cap 289)
29. Sedition Act (Cap 290)
30. Vandalism Act (Cap 341)

### ***(2) How do I apply for CCDC?***

At the first PTC, the Judge will let you know whether CCDC applies to your case and he will ask you to indicate whether you wish to participate in the CCDC. For all other cases, the CCDC will only apply if all parties involved in the proceedings consent.

### ***(3) Should I participate in the CCDC?***

Participation in CCDC is optional. It is your decision as to whether you wish to do so.

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 you choose not to participate in the CCDC, the Court will proceed to fix a date for trial once the administrative matters have been sorted out. However, you would not have had a chance to consider the Prosecution's evidence before the trial. Similarly, the Prosecution would not get to consider your evidence, which may have, in certain instances, led to a reduced charge.

### ***(4) What will happen if I decide to participate in CCDC?***

If you decide to participate in the CCDC, 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:

- (a) The Charge against you.
- (b) The Summary of Facts.
- (c) A list of the Prosecution's Witnesses.
- (d) Description of the documents and items which will be produced as evidence.
- (e) Any written statements made by you to a law enforcement officer that the Prosecution intends to use as evidence.
- (f) 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 Prosecution's Case, 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 Sentencing Court for your plea to be taken and for your sentence to be decided. For more information on sentencing, refer to Chapter 6.

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:

- (a) A summary of your defence and the relevant supporting facts you wish to rely on.
- (b) A list of your Witnesses (this must include their names and particulars).
- (c) A description of the documents and items you intend to produce in Court as evidence.
- (d) 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 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 as well.

### ***(5) 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 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.

***It is crucial that you properly prepare your Case for the Defence. Otherwise, the Court may draw adverse inferences against you at trial which may hurt your Defence.***

### ***(6) What happens after I have submitted my Case for the Defence?***

After you have submitted your Case for the Defence to the Court and the Prosecution, the Prosecution will give 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 recording 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”.

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 audio-visual recording. Do consider the entire prosecution’s case, including all the 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) What is a Trial?

(B) How Should I Prepare for a Trial?

(C) What happens during a Trial?

## CHAPTER 5

# TRIALS

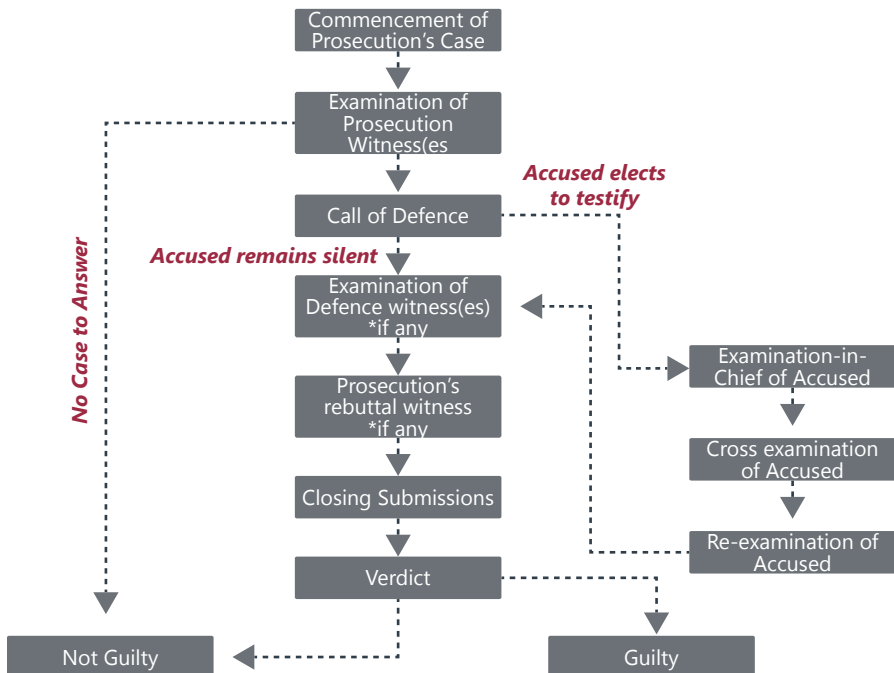
### (A) What is a Trial?

A trial is held for the purpose of determining whether you are guilty of the charges brought against you. During the trial, the Judge will hear the evidence produced by you and the Prosecution in accordance with the law. Exhibits may be produced, which may take the form of witness testimonies, documents, videos, photographs, and objects. The Judge will try to find out the truth of what had happened by assessing the accuracy and credibility of the evidence presented.

After hearing all the evidence presented, the Judge will then decide whether to convict or to acquit you.

An overview of the trial process is as follows:

#### Overview of the Criminal Trial



## **(B) How Should I Prepare for a Trial?**

The Judge can only consider evidence presented in Court. You must therefore bring along evidence, including witnesses (if any), in support of your defence on the day of the trial. Both sides have a right to call witnesses. All witnesses will be sworn and affirmed under oath, and will be subjected to questioning by you and the Prosecution. If you want to rely on what someone else says or knows, that person must come to Court so that the Prosecutor will be able to ask him/her questions.

If disclosure of the Case for the Prosecution and the Case for the Defence has been conducted previously, you would need to give notice in writing to the Court and all other parties if you wish to call any witness or produce any exhibit that has not been disclosed in your Case for the Defence. If you are going to introduce a new witness, the written notice must state the name of the witness and an outline of what he or she will be testifying on. If you are introducing any exhibits, the written notice must provide a description of the exhibit.

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

### **(1) Witnesses**

You must make sure that all your witnesses turn up for the trial. If you are not sure whether the witnesses are willing to turn up, you should apply at the Central Registry (State Courts Towers 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.

### **(2) Documents**

Prepare the documents and all the evidence that you intend to rely on for your defence. You need to prepare at least 4 copies of the documents. One (the original) for the Court, one for the Prosecution, one for the witness and one for yourself.

As a general rule, you should also ensure that the maker<sup>6</sup> of any document is in Court. Otherwise, the document may not be admitted as evidence for the trial. For instance, if you are seeking to introduce a WhatsApp message or Facebook message sent by another person, you may wish to consider calling the person as a witness, so that he can state in Court whether he was the sender of that message.

Your documents should be prepared well in advance of the trial. This is particularly important as the Court may direct you (and the Prosecution) to submit these documents before the actual trial date.

### **(3) Preparation**

You may also wish to prepare a list of questions that you wish to pose to (i) your own witnesses and (ii) the Prosecution's witnesses.

### **(4) Admitting documents and photographs etc. as evidence at trial**

Both sides are allowed to show the Judge relevant exhibits. If you want the Judge to consider any documentary exhibits, you should prepare four copies of it and bring the original to Court.

The maker of the document or the person who took the photograph should come to Court. Otherwise, the Court may not consider it.

#### **Resource: To-Do List**

Bring evidence needed to Court

Have the original and at least 4 copies of each document to be used as evidence

Ensure that the author or maker of the document comes to Court \*Otherwise the document may not be considered as evidence

Contact witnesses and ask them to attend the trial

Make sure all your witnesses attend the trial

Apply for a "Summons to a Witness" requiring the witnesses to attend the trial at the **Central Registry (State Courts Towers, Level 2)** when trial date(s) is/are given.  
Cost: \$20 for each summons

<sup>6</sup> For example, if you intend to rely on a medical certificate, the doctor who issued the medical certificate will have to attend Court to prove that he made the document. Another example is, 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.

You should introduce the documents and photographs through the relevant witness by asking the witness to tell the Court (in examination-in-chief):

- ▶ What is this?
- ▶ How and when was it obtained/made/taken?
- ▶ What is the purpose of this document or what does the photograph show?

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 or D1), and the document must satisfy the requirements of the law before it can become a piece of evidence. You should mark your copy of the document when it is marked by the Court either for identification or as admitted evidence. Similarly, for ease of identification, the Court will identify witnesses using references such as "PW1", "PW2" or "DW1", "DW2".

### **(C) What happens during a Trial?**

During a trial, both sides will be given enough time and fair opportunity to address the Court fully on their side of the 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 record 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 so that the Judge has all the information needed to decide your case.

The sequence at the trial is as follows:

### **Step 1: Commencement of Prosecution's case**

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

### **Step 2: Examination of Prosecution's witness(es)**

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.

#### ***(1) 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, and make notes for your own reference.

The Prosecutor should not ask leading questions. A leading question is a question that suggests to the witness the answer. For example, "You saw him clearly at the void deck that day, didn't you?" is a question that hints to the witness the answer to the question. Instead, the Prosecutor should ask "What did you see him do that day?" If the Prosecutor asks a leading question, you may stand up and say that you object to it.

#### ***(2) Cross-Examination***

After each witness's Examination-in-Chief, you will be allowed to cross-examine the witness by asking him/her questions, including any leading questions. You may also show the witness any 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. However, you may not ask questions that would embarrass, insult or annoy the witness. Specifically, in criminal proceedings involving sexual or child abuse offences, the accused shall not ask questions relating to the victim's sexual experience with other persons or physical appearance without the Court's permission.

**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

You may ask questions to highlight that:

- ▶ There are inconsistent or illogical aspects to the witness's testimony.
- ▶ The witness has incorrect or insufficient knowledge.
- ▶ The witness is unreliable (e.g. his memory or ability to see clearly are in doubt).
- ▶ 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".

***(3) Re-Examination***

After your cross-examination, the Prosecution is allowed to re-examine the witness by asking further questions in order 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 the facts therein: it could be an oral statement 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 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 (Cap 97) 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.



### Step 3: Call of Defence

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.

If there is sufficient evidence to support the Prosecution's case, the Court will ask you to present your defence, and the "Standard Allocation" will be read to you. You will be given two options by the Judge: (i) give evidence from the witness stand; or (ii) remain silent.

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.

If you choose to give evidence, you will have to give evidence from the witness box, on oath or affirmation, and be subject to cross-examination by the Prosecution. Whichever you choose, you can call other witnesses to give evidence to support your case. The same procedure of (i) Examination-in-Chief; (ii) Cross-Examination; and (iii) Re-examination will apply for all defence witnesses.

#### Call of Defence Standard Allocation

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?

## Step 4: Examination of the Accused

### **(1) Examination-in-Chief**

Assuming that you have chosen to give evidence, you will be the first person to go on the stand. You may ask the Judge for some time before you begin your case to think about what you want to say in your defence.

You may then begin by giving a summary of the reasons of why you are not guilty. After taking the oath, you should state your full name, age, and current occupation. Then, you can go on to give your version of what happened. This is the “Examination-in-Chief of the Accused”, and is an opportunity for you to present your version of the matter.

### **(2) Cross-Examination**

The prosecution will then ask you a series of questions to cross-examine you. 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).

### **(3) Re-Examination**

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

## Step 5: Examination of the Accused’s Witnesses

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

### **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

You should avoid making inappropriate remarks about people or things

Focus on telling the Judge what happened on that day in question. Irrelevant things do not help the Judge to decide the case

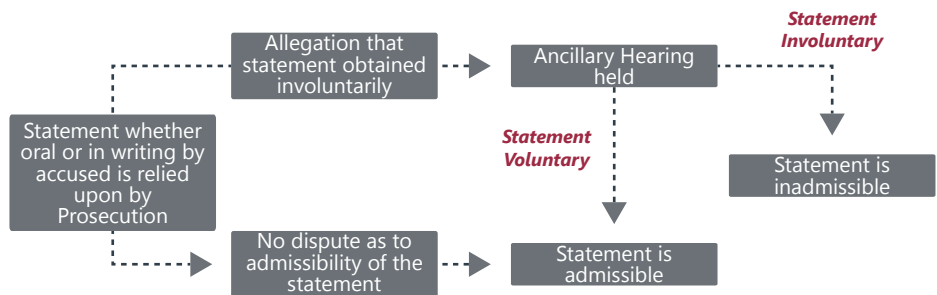
If you produce evidence to the Court, explain to the Judge what the evidence is for and give some details about it

### 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, an investigative statement is admissible if the following conditions are met:

- ▶ It was made to a police officer above the rank of sergeant
- ▶ 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.
- ▶ 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.



### (1) Examination-in-Chief

You should ask your witness to give some basic information to the Court, such as his name, age, NRIC and occupation. If you have called expert witnesses, 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, and the witness should only testify to relevant facts within his personal knowledge.

#### Resource: Things not to ask a witness

His views of the evidence of other witnesses

His opinions (unless he is an expert witness)

His comments on the law

What the intentions, thoughts and views of another person were

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".

### **(2) 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.

### **(3) 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 witnesses 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

Re-examination must only be used to explain or clarify matters referred to in cross-examination

You should ask open-ended questions, instead of putting your version to the witness and asking him to agree or disagree

### **Step 6: 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.

### Step 7: Closing Submissions

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

You will be asked to make your closing submissions first, followed by the Prosecution. 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 Central Registry (State Courts Towers, Level 2). Notes of Evidence is a word-for-word transcript of what had been said by the different people in Court.

### Step 8: Verdict

Finally, the Judge will decide the case and announce his decision in a verdict. If you are acquitted (i.e. 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 unsatisfied with the verdict or sentence or both, you may file an appeal with the Central Registry (State Courts Towers, Level 2) within 14 calendar days from the announcement of the sentence. (See Chapter 7 for information on Appeals).

#### 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

# 06

## **SENTENCING**

- (A) Types of Sentences
- (B) Community Courts and Community Based Sentences
- (C) The Sentencing Procedure
- (D) Newton Hearing

## CHAPTER 6

# SENTENCING

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 being convicted at 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.

### **(A) Types of Sentences**

#### ***(1) What is a sentence?***

A "sentence" is the punishment that you will have to bear after you have been convicted.

#### ***(2) How do I know my potential sentence under the charge?***

Your charge sheet will state the maximum sentence that the offence carries. This is found at the bottom portion 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 'usual tariff' – which is the range of sentences usually imposed by the Courts for the offence which you are alleged to have committed.

#### ***(3) What are the types of sentences in law?***

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

- (a) Fines
- (b) Imprisonment
- (c) Caning
- (d) Preventive Detention
- (e) Corrective Training

- (f) Probation
- (g) Reformative Training
- (h) Community Based Sentences

Here is an elaboration on each of these sentences.

**(a) Fine**

A fine is a monetary penalty imposed on you by the Court. If you do not pay the fine imposed, you may have to serve an imprisonment term. This “in-default” sentence will be pronounced by the Court and cannot be backdated, or ordered to run concurrently with any other 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 relevant officers at the Prisons 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](http://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.***

**(b) Imprisonment**

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

**(c) 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.

#### (d) 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 (Cap 68). Before sentencing any offender to preventive detention, the Court must call for and consider a report prepared by the Prisons on the offender's physical and mental condition and his suitability to serve preventive detention.

#### (e) Corrective Training

Corrective training is a form of punishment 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. Where the criteria stated in s 304(1) of the Criminal Procedure Code (Cap 68) 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 Prisons on the offender's physical and mental condition and his suitability to serve corrective training.

### (f) Probation

An offender may be placed on probation instead of receiving a fine or imprisonment. 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 a fine or imprisonment term may be imposed instead. If you are below 21 years old, reformatory training may be imposed as punishment for breaching the probation order. 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 in respect of 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 a fine or imprisonment term imposed***

### (g) Reformatory Training

Offenders above the age of 16 years but below 21 years may be sentenced to reformatory training. Compared to probation, reformatory 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 as 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 reformatory training, the Court must call for and consider a report prepared by the Prisons, 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 reformatory 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 (Cap 68) and the Criminal Procedure Code (Reformatory Training) Regulations 2018 for more information.

#### (h) Community Based Sentences

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

### **(B) Community Courts and Community Based Sentences**

#### (a) What are Community Based Sentences?

Community Based Sentences (CBS) were introduced in 2010 to give greater flexibility in sentencing. The Courts are given more graduated 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 (Cap 68) sets out the circumstances under which an offender is eligible for CBS. CBS eligibility 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.***

#### (b) What are the CBS orders that can be made?

CBS includes:

- (i) Mandatory Treatment Order (MTO)
- (ii) Day Reporting Order (DRO)
- (iii) Community Work Order (CWO)
- (iv) Community Service Order (CSO)
- (v) Short Detention Order (SDO)

#### (i) 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 (Cap 68) 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 (Cap 68).

#### (ii) 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 (Cap 68).

#### (iii) 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.

#### (iv) 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 (Cap 68).

#### (v) 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 (Cap 68).

***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 offences(s).***

(c) Why was my case sent to the Community Court?

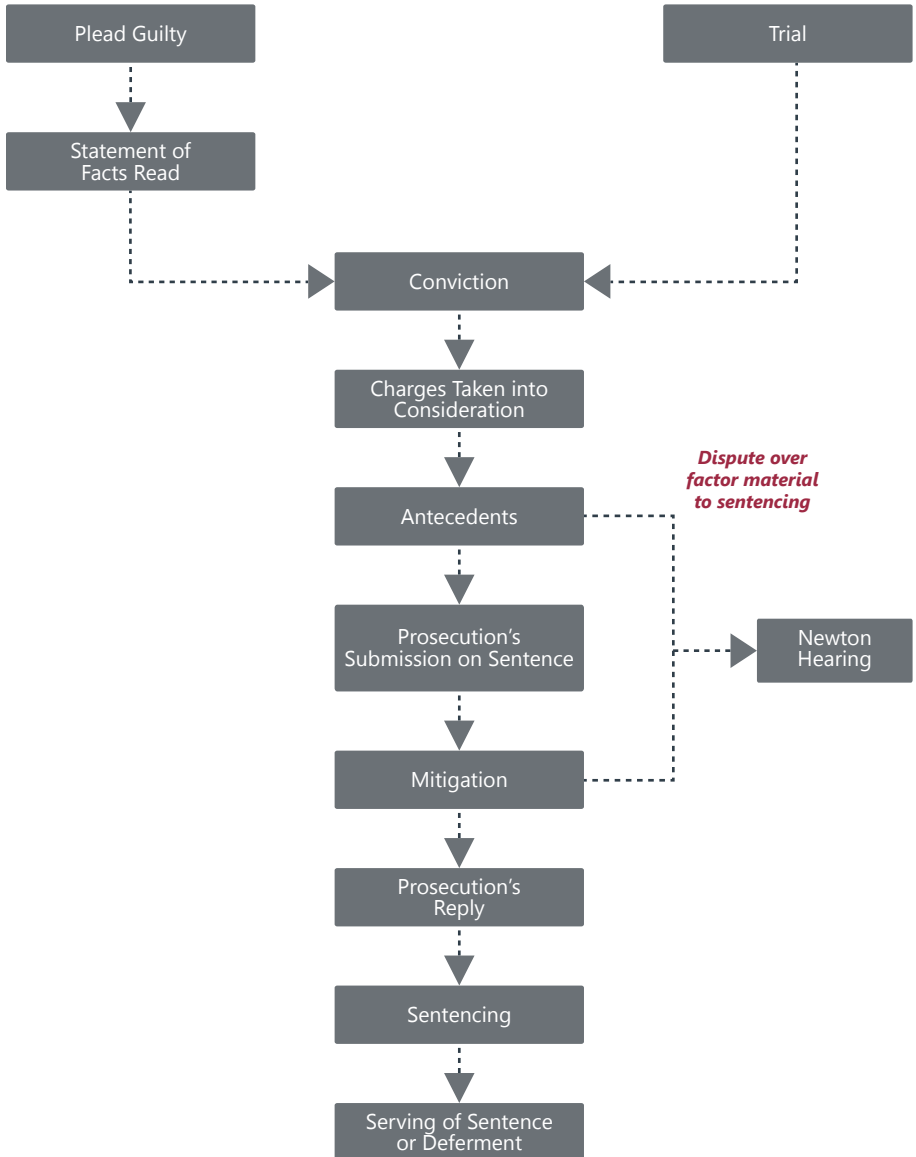
Cases that are suitable for CBS are generally sent to the Community Court for management. The Community Court adopts a problem-solving approach that combines criminal justice and community resources for a comprehensive response. In addition to the principles of deterrence and retribution, the Community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

- (i) Cases involving offenders aged 16 to 18 years
- (ii) Cases involving offenders below 21 years old who have been accused of theft, violence, sex, gambling or drug related offences
- (iii) Selected cases involving offenders with mental disorders
- (iv) Attempted suicide cases
- (v) Family violence cases
- (vi) Abuse and cruelty to animal cases
- (vii) Cases which impact race relations
- (viii) Selected cases involving accused persons who are 65 years old and above
- (ix) Selected cases involving accused persons with chronic addiction problems
- (x) Shop theft cases

If your case falls within the scenarios set out in s 337(1) of the Criminal Procedure Code (Cap 68), CBS may not apply to you. If you are unsure whether your case qualifies for CBS, you may check with the Judge.

### (C) 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 plead guilty (PG) without a trial. If you are sentenced after a trial, you may skip to Step 4.

### 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. 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 decided 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 previous 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 hearing. 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 Section D below.

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

The prosecution will give proposals on the 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. This is referred to as a submission. 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 submission, you will be asked to present your mitigation plea to the Judge. The purpose of the mitigation plea is for you to convey relevant mitigating facts to the Judge so that leniency may be exercised in the sentence. If you disagree with the Prosecution on their proposed sentences or sentencing precedents, this is also your opportunity to inform the Court.

***If you disagree with the Prosecution's submission on sentence, such as the benchmark cases they rely on, you should raise this as part of your mitigation.***

The table below contains factors which are commonly found in pleas for mitigation. 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.

Mitigating Factors	Explanation
Age	<ul style="list-style-type: none"> <li>▶ 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</li> </ul>
Future plans	<ul style="list-style-type: none"> <li>▶ Intention to stay away from crime in future</li> <li>▶ What do you plan to do after serving your sentence to ensure that you stay crime-free?</li> </ul>
Psychiatric conditions	<ul style="list-style-type: none"> <li>▶ Do you have any medical documents to show that you are suffering from any mental conditions which contributed to the commission of the crime?</li> </ul>
Antecedents	<ul style="list-style-type: none"> <li>▶ Do you have a clean criminal record?</li> <li>▶ Is this your first offence?</li> </ul>
Degree of cooperation	<ul style="list-style-type: none"> <li>▶ Did you plead guilty early because you are sorry for what you have done?</li> <li>▶ Did you cooperate with the police? *E.g. helping them in their investigations in relation to the co-accused.</li> <li>▶ Did you surrender yourself to the police?</li> </ul>
Restitution	<ul style="list-style-type: none"> <li>▶ Did you try to reduce the harm you had caused to the victim?</li> <li>▶ Did you compensate the victim?</li> </ul>
The Crime	<ul style="list-style-type: none"> <li>▶ Did you benefit from the crime?</li> <li>▶ Was the harm caused serious?</li> <li>▶ What was the extent of your role in the crime?</li> <li>▶ Why did you commit the crime?</li> <li>▶ Were you pressured into committing the offence? What was the pressure and where did it come from?</li> <li>▶ Were you receiving instructions from someone else?</li> <li>▶ Did you plan the offence beforehand?</li> </ul>
Provocation	<ul style="list-style-type: none"> <li>▶ Were you provoked into committing the offence? If so, how?</li> </ul>

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

If you are mitigating following a plea of guilt, do note that if you decide to raise in mitigation any allegations that if true, will mean that any element of the charge(s) has not been established against you, the Court will take the view that you have qualified your plea of guilt. This is because a conviction can only be recorded if the Court is satisfied that every single element of the charge has been proven against you. The consequence of qualifying your plea is that the Court will give directions for the matter to proceed for trial. You will then be expected to return to Court for directions for trial, and the Prosecution will then have to prepare to put forward all the necessary evidence for a trial. As highlighted above, the Court will consider an early plea of guilt in your favour in sentencing, if satisfied that the early plea of guilt is indicative of remorse.

### **Step 8: The Prosecution's Reply**

After you have submitted your mitigation plea, the Prosecution will have a chance to reply to your plea-in-mitigation.

### **Step 9: Pronouncement of Sentence**

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

- ▶ The nature of the offence and the seriousness of the offence.
- ▶ Circumstances in which you committed the offence.
- ▶ The degree of planning.
- ▶ The extent and nature of harm caused.
- ▶ Your criminal history.
- ▶ Personal mitigation circumstances.

Once the Judge is ready, he will pronounce the sentence. This may take place immediately after the mitigation plea is heard, or during an adjourned hearing.

If you are not satisfied with the sentence, 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.

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

### **Step 10: Deferment/Postponement of Sentence**

If a sentence of imprisonment is imposed on you, you will have to serve your sentence immediately. However, in certain exceptional situations, you may request the Court to postpone the commencement of your sentence.

If you wish to postpone 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 will be asked to respond to your request. They 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 are likely to apply for bail to be imposed or for the existing bail to be increased.

If your application to defer sentence is approved, the Judge is likely to impose certain conditions which you must comply with. In particular, you must surrender to the Court at the end of the deferred period.

Please note that if the Judge grants your application with bail imposed or increased, your deferment will not be granted if you are unable to raise bail. In such a case, your sentence will commence immediately.

**(D) Newton Hearing**

A “Newton Hearing may be convened at any stage of the sentencing process when there is a dispute as to facts which may materially affect the sentence to be imposed on a person following his conviction. This is commonly known as a “Newton Hearing”. Examples of such a dispute would include 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), the truth of a fact or statement relied upon by the accused in his mitigation plea or where the accused disputes the record of his/her antecedents. In such situations, a Newton Hearing may be fixed by the Court.

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 similar to 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**

(A) What is an Appeal?

(B) The Appeal Procedure

(C) Bail pending Appeal

## CHAPTER 7

# APPEAL

### (A) 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.

#### *(1) 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.

#### *(2) 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.*

### (B) The Appeal Procedure

#### *(1) How do I file my appeal?*

You must complete and submit one copy of the Notice of Appeal to the Central Registry at level 2 of the State Courts Towers. A fee<sup>7</sup> is payable at the time of submission. A sample Notice of Appeal is found at the back of the Guide.

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<sup>7</sup> \$5 for the accused charged before 2 January 2011, \$50 for an accused charged after 2 January 2011 (Fees stated herein accurate as of 2017).



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.

### ***(2) Do I have a deadline for the appeal?***

You must file the appeal within **14 calendar days**<sup>8</sup> 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 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.***

### ***(3) 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 delivered to you or your lawyer via courier service. After you have received the Grounds of Decision and Notes of Evidence, 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.

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<sup>8</sup> 10 calendar days if the accused was charged before 2 January 2011.

***(4) 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 with the Central Registry (located at Level 2 of the State Courts Towers). Your Petition must be filed within **14 calendar days**<sup>9</sup> of the service of the Grounds of Decision and Notes of Evidence. If your petition is not filed by the deadline, the appeal will be taken as withdrawn and the trial Court shall enforce its sentence or order.

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

***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.***

**(C) Bail pending Appeal**

If you are sentenced to serve a jail term, you may make an application to the Judge for you to be released on bail pending appeal. This is a request to allow you to postpone the commencement of your sentence until your appeal has been heard in the High Court. The Court will hear from the Prosecutor before deciding whether to grant your application.

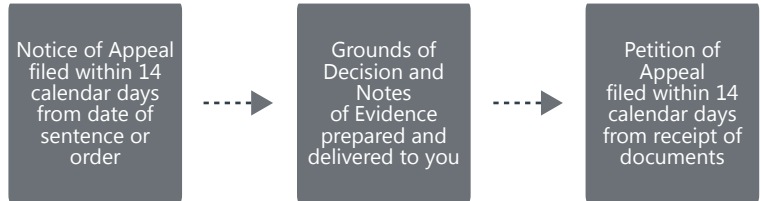
It is likely that even if there is no objection to your application, the Prosecution will apply for your bail to be increased. If bail is not furnished, the sentence will commence immediately.

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 will be required to attend the hearing of your appeal.

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<sup>9</sup> 10 calendar days if the accused was charged before 2 January 2011.

If you fail to surrender, a Warrant of 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.



08

**Integrated Case  
Management System (ICMS)**

## CHAPTER 8

**Integrated Case Management System (ICMS)****A quick guide to e-Filing your Documents in Court**

Why ICMS?	<ul style="list-style-type: none"> <li>▶ ICMS enables you to file documents and applications with the Court, and serve the case</li> <li>▶ E-filing can take place at any time of the day</li> </ul>
Requirements to use ICMS	<ul style="list-style-type: none"> <li>▶ A personal computer with an Internet connection</li> <li>▶ An Internet browser – Chrome, Firefox, Internet Explorer 9 or above or Safari</li> <li>▶ Adobe Reader – to view case documents</li> <li>▶ Documents in Microsoft Word or PDF Format</li> <li>▶ A scanner to convert paper documents into electronic form for E-filing (if necessary)</li> </ul>
Registration and Login	<ul style="list-style-type: none"> <li>▶ You will be required to log in with your SingPass username and password with 2-Factor Authentication</li> </ul>
Access to eCase file	<ul style="list-style-type: none"> <li>▶ Access will be granted if a Law Enforcement Agency has filed charges against you. You will need to log in using SingPass</li> <li>▶ Self-represented accused persons can also:             <ul style="list-style-type: none"> <li>* Submit an application to reschedule a Court event</li> <li>* Submit an application to leave jurisdiction</li> <li>* Request for vacation of mention/hearing</li> <li>* Request for mention date for bail variation</li> <li>* Request for Court Records of your case</li> <li>* Upload documents</li> </ul> </li> </ul>
Technical Difficulties	<ul style="list-style-type: none"> <li>▶ 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 <a href="mailto:contact@statecourts.gov.sg">contact@statecourts.gov.sg</a></li> <li>▶ You may also refer to the ICMS “Quick Start Guide for Accused Persons” available on the State Courts website</li> </ul>

09

**FREQUENTLY ASKED  
QUESTIONS (FAQ)**

## CHAPTER 9

# FREQUENTLY ASKED QUESTIONS (FAQ)

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

**A:** The question of whether to give you time to raise funds is at the discretion of the Court. If several adjournments have been granted before, it is unlikely that the Court will grant you any further adjournments. In which case, the Court is likely to take your plea. See Chapter 2(E) on 'Adjournments' and Chapter 3(B) on "Proceedings at the Mentions Courts".

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

**A:** The decision lies in the hands of the Court. If several adjournments had been granted before, it is unlikely that the Court will grant you any further adjournments. In which case, the Court is likely to take your plea. See Chapter 2(E) on 'Adjournments' and Chapter 3(B) on "Proceedings at the Criminal Mentions Courts".

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

**A:** Yes, but it is subject to the discretion of the Court. See Chapter 6(A)(3)(a) on "Fines". For more information, please refer to our website at [www.judiciary.gov.sg](http://www.judiciary.gov.sg).

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

**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. The in-default sentence cannot be back-dated, or be ordered to run 'concurrently'. See Chapter 6(A)(3)(a) on "Fines".

5. **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 discuss if they are agreeable to allow you to pay the composition in instalments.

6. **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:

(a) The facts in your case are more serious compared to your friend's case.

(b) You had previously compounded / been convicted of a similar case.

(c) 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.

7. **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(F)(4) on "What type of security may be furnished?"

8. **Q:** *What is a 'Letter of Authority'?*

**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 your director, company secretary, partner, or president (as the case may be) or someone in a similar capacity. The letter should:



- (a) Be on the organisation's official letterhead
- (b) Bear the stamp of the organisation
- (c) Bear the case number and date of hearing
- (d) Bear your name and designation
- (e) Bear the name and designation of the person appointing you.

9. **Q:** *Do I have to bring a Letter of Authority to every Court hearing?*

**A:** Yes, please bring along a Letter of Authority to every Court hearing. The Court needs to ascertain at every Court hearing, that the person appearing before it on behalf of the company, partnership or association is duly authorised and appointed.

Please make sure that your Letter of Authority is not out-of-date (i.e. in respect of a Court date that is already over).

10. **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, bring to Court documents which support your reasons for not having such photo ID. For example:

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

11. **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 of Arrest may be issued against him.

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

**A:** A Corrective Work Order is an order made by the Judge. 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.

**13. 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.

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

**A:** Your maximum 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 the mere fact of you 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 hence, apply a discount on the sentence imposed. See Chapter 2(D) on "Pleading Guilty versus Claiming Trial" and Chapter 6(C) on "Step 9: Pronouncement of Sentence".

**15. Q:** *Where can I apply for CLAS?*

**A:** The "Criminal Legal Aid Scheme" (CLAS) is run by the Law Society's Pro Bono Services Office. You may approach the Law Society's Pro Bono Services Office

located at the HELP Centre at Basement 1 of the State Courts Towers for assistance. See Chapter 2(B)(2) on “The Criminal Legal Aid Scheme”.

**16. Q:** *How do I submit my representations to the AGC?*

**A:** You may send a hard copy of your representations to The Attorney-General’s Chambers, 1 Upper Pickering Street, Singapore 058288. Alternatively, you may email your representations to AGC at [AGC\\_Crime\\_Representations@agc.gov.sg](mailto:AGC_Crime_Representations@agc.gov.sg).

**17. Q:** *How do I submit any documents or contact the AGC?*

**A:** The address of the Attorney-General’s Chambers is 1 Upper Pickering St, Singapore 058288. For more information on the AGC, you may refer to their [www.agc.gov.sg](http://www.agc.gov.sg).

# 10

## **GLOSSARY**

## CHAPTER 10

# GLOSSARY

**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.

**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.

**Bail**

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

**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'.

**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.

**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.

**Counsel/Lawyer**

The person who represents the accused in a case.

**Hearing**

A proceeding in Court before a Judge.

**Default Sentence**

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

**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.

**Newton 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.

**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.

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

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

**Remand**

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

**Sentence**

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

**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.

**Take-into-consideration (TIC) charge(s)**

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.

**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.

**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

## CHAPTER 11

# USEFUL LINKS

### **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.

#### ***(1) ComCare Call Helpline***

Social Assistance for low-income individuals and families

Tel: 1800 222 0000

Web: [www.msf.gov.sg/ComCare/Pages/default.aspx](http://www.msf.gov.sg/ComCare/Pages/default.aspx)

#### ***(2) Samaritans of Singapore (SOS)***

For people in crisis, thinking of suicide or affected by suicide

Tel: 1800 221 4444

Web: [www.sos.org.sg](http://www.sos.org.sg)

#### ***(3) Singapore Anti-Narcotics Association Hotline***

For drug-abusers, their families and the general public

Tel: 1800 733 4444

Web: [www.sana.org.sg](http://www.sana.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](http://www.ncss.gov.sg)

# 12

## **SAMPLE FORMS**

## CHAPTER 12

## SAMPLE FORMS

## FORM 66: A NOTICE OF APPEAL (AGAINST SENTENCE/CONVICTION)

## FORM 66

NOTICE OF APPEAL  
(SECTIONS 374 TO 377)

IN THE HIGH COURT OF THE REPUBLIC OF SINGAPORE

Magistrate's Appeal No.      of 20      .

State Court No.

Case No.

Between

[Name of Appellant] ... Appellant

And

[Name of Respondent] ... Respondent

To:  
The Honourable the Justices  
of the High Court of the  
Republic of Singapore.NOTICE OF APPEAL

Take Notice that the abovenamed appellant, being dissatisfied with [his conviction (or sentence)] [or the acquittal or the sentence imposed on, the respondent] [or the order (mention the order) made] by the District Judge [or Magistrate] in Court No.      of the State Courts on the      day of      20      , hereby appeals against the said conviction [or acquittal or sentence or order] in the abovementioned case.

Dated this      day of      20      .

(Signature)

Appellant

The address of service of the abovementioned Appellant is

## SAMPLE CASE FOR THE DEFENCE

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

DAC- 9xxxxxx-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**

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

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

5. An expert medical report.
6. A CCTV recording of the incident.

## SAMPLE CASE FOR THE DEFENCE

**D. OBJECTIONS TO ANY ISSUE OF FACT OR LAW IN RELATION TO THE CASE FOR THE PROSECUTION**

7. The objections to any issue of fact or law in relation to any matter contained in the Case for the Prosecution are as follows:-

- (a) XXX
- (b) YYY
- (c) ZZZ...

**Dated this X day of September 20XX**

(Signed) \_\_\_\_\_

John Doe

*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 **1 November 2021**.



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Singapore 059724  
Tel: 6 JUSTICE (65878423)  
[www.judiciary.gov.sg](http://www.judiciary.gov.sg)



Basement 1  
1 Havelock Square  
Singapore 059724  
Tel: 65574100  
[www.cjc.org.sg](http://www.cjc.org.sg)