



Information Sheet - District Court of WA

The District Court hears charges involving indictable offences which require a trial by judge and jury). The Office of the Director of Public Prosecutions (DPP) prosecutes all offences in District Court. Please note, the matter will initially be listed in the Magistrates Court.

First Hearing

Please refer to Information Sheet – Magistrates Court of WA.

Mention

Please refer to Information Sheet – Magistrates Court of WA.

Police Committal Mention

The Magistrate will confirm that WA Police Force have provided all of the evidence they have in relation to a charge, this is called disclosure. The matter will then be transferred to the Perth Magistrates Court for a Committal Mention. In regional courts the matter will be transferred to the nearest Magistrates Court that has a District Court Circuit.

Committal Mention

At a Committal Mention the DPP will have taken carriage of the prosecution from the Police. The Magistrate will find out if all parties are ready for the matter to proceed to the District Court.

At a Committal Mention, the accused will also advise the court of how they intend to plead. If the accused pleads not guilty, the case will be adjourned to the District Court for a Trial Listing Hearing. If the accused pleads guilty then the matter will be adjourned to the District Court for a Sentence Mention Date.

Sentence Mention

The Sentence Mention is the first court appearance in the District Court following the accused entering a plea of guilty. The Court ensures that the defence has all the relevant material from the DPP and that the matter is ready to go before a Judge for the accused to be sentenced. This often involves making orders that sentencing reports are completed and provided to the Court. If there are matters that are still outstanding the case will be adjourned for a further Sentencing Mention date.

Trial Listing Hearing

At a Trial Listing Hearing the Prosecutor and the Defence Lawyer are asked questions about the progress of the case by the Judge. If there are some matters outstanding then there may be more than one Trial List Hearing.

At the final Trial Listing Hearing a Trial date is set. After the Trial date has been set the DPP and the defence will decide who needs to be called to give evidence as a witness in the case. The Court will then issue a summons for each witness.

Please note: this information sheet is a guide only and its content is subject to change. Please refer to www.districtcourt.wa.gov.au for further information.

Trial Callover (Regional District Court only)

In regional District Courts a Trial begins with a Trial Callover and multiple dates are provided. The Trial Callover is given a priority number, indicating the likelihood of the trial proceeding on that date. At the commencement of the District Court sitting, a decision will be made on whether or not the trial will proceed or be adjourned to a further Trial Callover date or Trial Listing Hearing.

Trial

A trial may be before a jury or before a Judge alone. For a jury Trial, a jury is usually selected and then begins once the jury is sworn in.

The DPP Prosecutor makes an opening statement followed by defence counsel if they choose. Witnesses are then called. The Prosecutor questions the prosecution witnesses in order to obtain their evidence (known as evidence in chief). If the witness Visually Recorded their interview with the Police it may be shown at this stage. The Defence Lawyer will then ask the prosecution witnesses questions (known as cross-examination). If necessary, the Prosecutor may then ask further questions to clarify information (known as re-examination).

The accused person's case is then presented to the court. Witnesses for the defence will provide their evidence by firstly responding to questions from the Defence Lawyer and then being cross examined by the Prosecutor. The Defence Lawyer may then re-examine the witnesses if they feel this is necessary. There is no requirement upon the accused person to give evidence.

At the completion of all the evidence, the Prosecutor and Defence Lawyer will give their closing address.

If there is a jury, the Judge summarises the case that the jury is to decide and gives directions to the jury on legal aspects of the case. The jury consider all of the facts and decide if the offences have been proven beyond reasonable doubt. This is called the verdict. The jury can take as long as necessary to reach a verdict. In a Judge alone trial, the Judge is responsible for making the decision about the verdict.

If the verdict is guilty the Judge may sentence the accused immediately, or may adjourn the matter to a later date for sentencing. If the verdict is not guilty, the accused is acquitted and the court matter is finished.

Sentencing

If an accused has pleaded guilty or been found guilty by a Jury or a Judge, the matter will progress to sentencing. Both the DPP Prosecutor and Defence Lawyer will make submissions to the Judge as to their positions regarding an appropriate sentence.

A Victim Impact Statement can be submitted before sentencing. The Judge will take all the information into consideration and pass sentence. Sentencing can occur on the day of the Trial but is more often adjourned to a later date.