

## **APPEARANCES BY ACCUSED IN CUSTODY AT TRIAL LISTING HEARINGS AND SENTENCING MENTION LISTS**

*Summary: From 25 August 2014, those in custody who are represented by a practitioner will no longer routinely appear by videolink during Sentencing Mention hearings. Rather, practitioners will, as is the practice at Trial Listing Hearings, appear on behalf of their clients. Unrepresented persons in custody will continue to appear by videolink.*

### **1. Background**

Since 29 May 2009 those in custody involved in Sentencing Mention hearings have, as a matter of course, appeared by videolink regardless of whether they are represented by a Practitioner or not.

However, in relation to Trial Listing hearings the practice for some time has been for Practitioners to appear in Court without their clients appearing by videolink at these hearings unless a specific request has been made by the Practitioner prior to the hearing.

### **2. Application**

This circular replaces Circular to Practitioners CRIM 2009/1 and applies to all Trial Listing hearings and Sentencing Mention hearings at the District Court Building, 500 Hay Street, Perth.

### **3. Appearances**

Practitioners who represent an accused in custody will, as a matter of course, appear on behalf of their client at Trial Listing hearings or Sentencing Mention hearings.

Practitioners may specifically request that their client appear by videolink no later than three clear days before the hearing. The request will be considered and a decision made by the relevant judicial officer without reference to the other party.

Accused in custody who are not represented by a Practitioner will continue to appear by videolink at Trial Listing hearings and at Sentencing Mention hearings.

Notwithstanding the above, where the justice needs of the case require:

- (a) the Court, of its own motion, may order that the accused appear in person; or

(b) the prosecutor or defence counsel may apply to the Court for an order that the accused appear personally. Such an application may be made in Court at the hearing preceding the hearing at which the accused is required to appear personally or by letter to the presiding judicial officer no later than three clear days before the hearing. An application by letter will be determined by the judicial officer on the papers without reference to the other party.

#### **4. Contact with clients**

It is recommended that Practitioners wishing to communicate with their client do so before the day of the hearing to avoid any delays.

**RAINER GILICH**  
**Principal Registrar**