

STATE GUILTY WORKSHEET

Guideline 1.2 of Part 3 of the VLA Handbook. Notes on Guidelines 4.1.2

Before recommending that assistance be granted for a guilty plea, practitioners
MUST form the view that conviction is likely to result in:

- I. Imprisonment or
- II. ICO, or
- III. Suspended sentence or
- IV. CBO with conviction requiring more than 200 hours of unpaid community work
- V. CBO with conviction but Client is a special needs client: In serious or complex matters where the defendant will have difficulty communicating his or her needs in respect of the rehabilitative aspects of the order to the court by reason of psychiatric or intellectual disability, lack of education or difficulties in understanding the English language:
 - a). Outside scope of normal Duty Lawyer Services, and
 - b). Eligible person under Intellectually Disabled Persons Act, or Receiving services from Approved Mental Health Service

Full details of the charges, or ☐ REFER TO CHARGE SHEETS

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Full details of prior convictions, or ☐ REFER TO FILE COPY OF PRIORS

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- ☐ The seriousness of the offence relative to other examples of the same offence (eg. Quantum of theft, nature of injuries, amount of drugs)
- ☐ Extent to which the law was breached

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- ☐ Extent of Mitigating circumstances
- ☐ Extent of any Aggravating circumstances

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- ☐ Eligible person under Intellectually Disabled Persons Act, or
- ☐ Receiving services from Approved Mental Health Service
- ☐ Documentary proof on file

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VLA anticipates that, save where the offences are extremely serious or numerous, an applicant with no prior convictions will not ordinarily qualify for assistance under this guideline
VLA anticipates that matters involving a Breach of a previous Court order will ordinarily qualify under this guideline (except where the order involved is a lower level CBO and the breach is constituted by non compliance)

Other:

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STATE NOT GUILTY WORKSHEET

Guideline 1.1 of Part 3 of the VLA Handbook. Notes on Guidelines 4.1.1

Before recommending that assistance be granted for a not guilty plea, practitioners MUST form the view that:

- I. *The client has a reasonable prospect of acquittal on the most serious charge, AND*
- II. *The likely penalty if convicted on all or any of the charges would be*
 - a. *Imprisonment or*
 - b. *ICO, or*
 - c. *Suspended sentence or*
 - d. *CBO with conviction requiring more than 200 hours of unpaid community work*
 - e. *CBO with conviction but Client is a special needs client: In serious or complex matters where the defendant will have difficulty communicating his or her needs in respect of the rehabilitative aspects of the order to the court by reason of psychiatric or intellectual disability, lack of education or difficulties in understanding the English language:*
 - *Outside scope of normal Duty Lawyer Services, and*
 - *Eligible person under Intellectually Disabled Persons Act, or Receiving services from Approved Mental Health Service*

1. Whether a reasonable prospect of acquittal:

Full details of the charges, or ☐ REFER TO CHARGE SHEETS

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Client's instructions

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Strength or Weakness of Crown case

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The basis of the defence & availability and strength of evidence supporting the defence case

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Weaknesses of the defence case

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Admissibility of crown case

- ☐ Likelihood that evidence was obtained illegally
- ☐ Admission not voluntary
- ☐ Accused not informed of right to silence
- ☐ Police engaged in illegal activity without authorisation
- ☐ Likelihood of propensity for the evidence to be unduly prejudicial to the accused

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2. Likely Penalty

- ☐ Primary charge or main group of charges
- ☐ The extent to which the law was breached
- ☐ Existence of Aggravating or Mitigating circumstances

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