

# Annexure M: Trial instructions

## Legal disclaimer

This sample document was provided on 25 February 2022 (date published). Please use this sample document as a guide only. You may need to adapt it for your clients' individual circumstances and applicable laws or processes as appropriate. Legal Aid Queensland does not guarantee, and accepts no legal liability, for the accuracy, reliability, currency or completeness of any material contained in this sample document.

## R -v- (CLIENT)

File No:

### TRIAL INSTRUCTIONS

I, **(CLIENT)**, born on (DOB) of (ADDRESS) in the State of Queensland, instruct my legal representative at Legal Aid Queensland as follows:

1. I understand I have been charged with:
2. I understand it is alleged that on Type Summary of allegations.
3. I confirm I have previously been taken through the Brief of Evidence in relation to the charge and have had the opportunity to discuss and make comments on the Brief of Evidence with my legal representative.
4. I confirm I participated in a conference with my solicitor and barrister on (DATE) at (TIME) at (LOCATION).
5. I confirm that during the conference my legal representatives discussed the:
  - 5.1. evidence and allegations against me
  - 5.2. strength of the prosecution case and possible difficulties with my version of events and
  - 5.3. weaknesses of the prosecution casein relation to the charge.
6. I confirm I have had my rights explained to me by my legal representative and I understand that I:
  - 6.1. am presumed innocent of the charge and
  - 6.2. have the right to make the prosecution prove that I am guilty of the charge by proving beyond a reasonable doubt all the facts, allegations and evidence which it alleges against me in relation to the charge and
  - 6.3. have the right to plead "Not Guilty" and have my matters heard by a Judge and jury in the District Court or
  - 6.4. have the right to plead "Guilty" and have my matters heard by a Judge in the District Court
7. I confirm I understand my rights, the options available to me, and the evidence and allegations against me. I have also been advised about any defences that may be available to me.

8. Having considered these matters, I instruct my legal representative of my own free will and without coercion, threat, promise or inducement that I would like to **plead not guilty** to the charge and **proceed by way of a trial at the District Court**.
9. I understand that if I am found guilty or plead guilty to the charge, that I may be sentenced to a term of imprisonment. I also understand that the court will impose any sentence it deems appropriate and is not bound by the submissions made by the Prosecutor or my legal representative in relation to the penalty it should impose.
10. I understand that the prosecution will present its case against me by calling witnesses who will be questioned by the prosecutor and who will then be cross-examined by my legal representative.
11. I confirm that my legal representatives have explained to me the process in which a jury is selected.
12. I instruct that I delegate the selection of the jury to my barrister.
13. I confirm I have been shown and perused the jury list.
14. I give these instructions after having considered my rights of my own free will, free from inducement or threat by anyone.
15. I confirm I fully understand the instructions I am giving, do not require time to seek further legal advice, and have had sufficient time to consider my decision.

Signed:

---

Dated:

---

Signed:

---

Dated:

---

Name of witness:

---