

Office of the
Director of Public Prosecutions



Sentence hearings

Frequently asked questions

At a sentence hearing, a Judge will decide on the most appropriate sentence for the offence according to law. This fact sheet contains important information about what happens during a sentence hearing and what to expect if you attend court.



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What is a sentence hearing?

A sentence hearing is a court hearing held when an offender is sentenced by a Judge for a crime. This may happen if the offender has been found guilty at the end of a trial or if they choose to plead guilty.

What happens at a sentence hearing?

The Prosecutor will tell the Judge the details of the offence. If you are a victim and have written a Victim Impact Statement, the Prosecutor will give this to the Judge as a written document. The Prosecutor may read your Victim Impact Statement aloud if you have requested it, or you may choose to read it aloud yourself.

The Defence lawyer will also tell the Judge about their client (the offender). This may include describing the offender's personal background and giving the Judge relevant documents like medical reports about the offender.

Both the Prosecutor and the Defence lawyer will refer to the applicable law and sentences that have been imposed in similar cases in the past. The Judge may ask the Prosecutor and the Defence lawyer questions throughout the sentence hearing.

At the end, the Judge will state their final decision about the sentence to be imposed on the offender. The Judge may also talk about the facts of the crime and the submissions made by the Prosecutor and the Defence lawyer.

Who is present in Court during a sentence hearing?

The Court will usually be open to the public, so any person can sit in the public gallery and watch the sentence. It is possible that the media will attend. Cameras are not allowed in courtrooms. However, in some cases, accredited media can apply to the court to film sentence hearings.

Members of the media can record audio of court proceedings to ensure accurate coverage. In certain circumstances, a Judge may order that the court is closed, and only essential people can stay in the court room.

I'm a victim. Do I need to attend the sentence hearing?

You are not required to attend except in rare circumstances. However, the sentencing court is usually open to the public and you may attend the sentence hearing if you wish.

You do not usually need to attend the sentence hearing to give a Victim Impact Statement as the Prosecutor can give this to the Court. In rare circumstances, you may be asked to attend a sentence hearing as a witness if some of the facts are in dispute or if you need to answer questions about your Victim Impact Statement. You will be contacted by the Police or the ODPP if that is the case.

Will everyone present hear my name and all the details of the crime?

Yes, the Prosecutor will tell the Court all the details of what happened, including your name, and everyone present in the court room will hear this.

(If you are the victim of a sexual offence, Queensland law prevents the publication outside of the court room of any details that could identify you, or where you live or work.)

If you choose to provide a Victim Impact Statement, the lawyers and the Judge may read out some of its contents during the sentence hearing. If you choose to read your Victim Impact Statement aloud yourself, it is possible for the Judge to request that the court is closed, and only essential people stay in the courtroom while you read it. If you would like this to happen, or if you would like to read your Victim Impact Statement by phone or video link, please speak to the ODPP before the sentence hearing date.

Do I need to advise anyone if I decide to attend the sentence hearing?

If possible, please contact your Victim Liaison Officer (VLO) and tell them. This will allow us to ensure that you have all the information you need and we can contact you if the arrangements change.

Will the date or time of the sentence hearing change?

Unfortunately, sentence hearing dates often change for many reasons. The ODPP will attempt to advise you as soon as possible if we are aware of any changes.

Sometimes a sentence hearing starts and cannot be finished in a single day. If that happens, the sentence hearing will continue on a later date set by the Judge.

Where will the sentence hearing be held?

Your VLO will advise you of the courthouse where the sentence hearing will be held. The Court's website contains a list of all courthouses in Queensland and links to maps: www.courts.qld.gov.au.

What time will the sentence hearing be held?

It is not possible to say exactly what time the sentence hearing will start because this will depend on several factors, such as how many other matters that Judge will hear on that day. Sentence hearings are often scheduled to start from 9.00am or 10.00am. If you wish to attend, you should plan to be at the courthouse by 9.00am.

The Court will publish a list the afternoon before the sentence hearing called the 'daily law list' which will list the time that the sentence hearing may start from. The daily law lists for each courthouse are available on the Court's website at: www.courts.qld.gov.au.



Can I have someone with me for support at the sentence hearing?

Yes, you can bring people along with you for support on the day. Please remember that everyone present in the court room will hear all the details of the matter.

If you would like to have someone with you and require help arranging for a support person, please contact your VLO as soon as possible.

If I don't attend the sentence hearing, will I still be told the result?

Yes. If the ODPP has your current phone number, your VLO or another staff member will attempt to phone you to explain the outcome of the sentence hearing. We will also send you confirmation of the outcome in writing.

I am worried about the offender trying to contact me in the future. Who can I discuss this with?

Once the court proceedings are finished, any bail conditions that were in place will stop. It is important that you raise any concerns you have as early as possible. Please contact your VLO and ask to speak to the Prosecutor about your concerns.

Depending on the circumstances, it may be possible to request that a type of order is made at the sentence hearing to stop the offender from contacting you.

Can I request financial assistance to attend a sentence hearing?

If you are the victim of an offence, it may be possible for you to make an application for financial assistance or access support such as counselling through Victim Assist Queensland (VAQ). For more information, contact VAQ on



1300 546 587 or a private solicitor or visit:

<https://www.qld.gov.au/law/crime-and-police/victim-assist-queensland>.

The ODPP does not repay any costs for attending a sentence hearing, unless you receive a subpoena requiring you to attend a sentence hearing as a witness.

Further information

If you have any questions or need help, contact the ODPP in your region.

Freecall

P: 1800 673 428

Brisbane

P: (07) 3035 1122

BrisbaneDPPReception@justice.qld.gov.au

Beenleigh

P: (07) 3081 2304

DPPBeenleigh@justice.qld.gov.au

Cairns

P: (07) 4038 5731

DPPCairns@justice.qld.gov.au

Ipswich

P: (07) 3470 7419

DPPIpswich@justice.qld.gov.au

Maroochydore

P: (07) 5376 5200

dpp.Maroochydore@justice.qld.gov.au

Rockhampton

P: (07) 4921 6227

DPPRockhamptonReception@justice.qld.gov.au

Southport

P: (07) 5675 7000

DPPSouthport@justice.qld.gov.au

Toowoomba

P: (07) 4591 4758

DPPToowoomba@justice.qld.gov.au

Townsville

P: (07) 4781 8933

DPPTownsville@justice.qld.gov.au

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