

# SAC 1

Nathan Le Brun

## Q1. (2 marks)

The role of legal practitioners in a criminal trial contributes to the principle of equality by allowing both parties to have opportunity to provide their side of the story.

## Q2A. (2 marks)

Due to Tory facing a four-week trial in the county court, it is implied that Tory has been charged with an indictable offence. This is due to the fact that summary offences cannot go to trial as they are only able to be heard summarily by a magistrate in the Magistrates Court, not the County Court where Tory's trial is being held

## Q2B. (2 marks)

As a persons accused of a crime, Tory is entitled to the right to be tried without unreasonable delay. This right entails that the trial of any accused must start within a timeframe that is not considered unreasonable.

## Q2C. (3 marks)

Victorian Legal Aid may be an option that Tory can use to assist themselves. VLA can provide legal advice and information to anyone in addition to providing legal representation to anyone who passes the means test. If Tory passes the means test, he may be able to use VLA to get legal representation to assist in his defence. If he does not pass the means test, he would still be able to use the legal information and advice in his trial.

## Q2D. (4 marks)

For Tory's case, a plea negotiation may be appropriate due to some of the victims being nervous about giving evidence and reliving trauma while giving evidence. A plea negotiation may also not be appropriate due to at least one of the victims wanting Tory to face the maximum possible charges.

## Q3. (2 marks)

One purpose of a committal proceeding is to determine if there is enough evidence to support a conviction. This ensures that the only cases that go to trial are cases that

can support a conviction, which also stops any trials that would waste the court's time and resources.

**Q4. (2 marks)**

One reason a sentence indication may not be appropriate may be that it is not in the best interest of the victims. This may be the case if for example, victims wanted to provide evidence in court or if the victims wanted the accused to face the highest sanctions.

**Q5. (4 marks)**

The Victorian Court Hierarchy exists so that individual courts can create their own specialisations. This means that, for example, the Supreme Court can specialise in murder trials and the law that surrounds them, and the Magistrate can specialise in summary offences and the law that surrounds them. The court hierarchy also exists to allow for appeals in which the decision of a lower court can be reviewed by a higher court when an appeal is made by an involved party.

**Q6. (4 marks)**

Due to being a minor in addition to the victim of a violent crime, Sam is considered a vulnerable witness. Because of this, they are entitled to the right to be informed about proceedings. This means that if Sam wants to, they can remain informed of what happens during the trial. Sam is also entitled to the right to give evidence as a vulnerable witness, which allows him special considerations if he gives evidence in court. These special considerations can include giving evidence through a 'closed-circuit' T.V system and having the accused blocked from view with a screen among other things.