



ARTICULATE
Language and Communication Consultants

SENTENCING

A Plain English Guide

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What this guide is about

After a court case, the judge decides what happens next.

This decision is called a sentence.

This guide explains common sentences and words you may hear in court.

It is written in plain English for people going to court, families and supporters.

Important: This is general information only. It is not legal advice.

Please speak with your lawyer about your own case.

Sentencing options

The judge chooses a sentence. The sentence depends on the law, the facts of the case and your personal situation.

Good behaviour bond

You do not go to jail.

You must stay out of trouble and follow the rules.

It can last for months or years.

If you break the rules, the court may sentence you again.

Fine

You pay money to the court.

The judge decides the amount.

Ask the court about a payment plan if you cannot pay at once.

Community service

You do unpaid work in the community.

You do not go to jail.

The court says how many hours you must do.

Jail

You go to prison.

The judge decides how long.

Some people may be released early on parole.

Suspended sentence

The judge gives a jail sentence but pauses it.

You stay in the community.

If you offend again, you may have to serve the sentence.

Not every court uses this type of sentence.

Ask your lawyer if it applies.

Remember

A sentence is personal to your case. Another person may get a different sentence, even if the charge sounds similar.

Bail and pleading guilty

These are important court words. They can affect what happens, but they are not the same as a sentence.

Bail - check-ins

Bail usually happens before sentencing. It means you can live in the community while you wait for court.

You must follow strict rules. You may need to report to police or a bail officer.

This is often called keeping bail.

If you break bail rules, you may be arrested or brought back to court.

Pleading guilty - sentence discount

Pleading guilty early may reduce your sentence.

In some places, the discount can be up to 25%. Ask your lawyer what applies where you live.

Example: If a sentence is 10 years, a 25% discount would make it 7 years and 6 months.

The earlier you plead guilty, the bigger the discount may be. Always ask your lawyer before deciding.

What does the judge think about?

The judge looks at many things before deciding the sentence.

1 How serious was the crime?

More serious crimes usually mean a stronger or longer sentence.

2 Was anyone hurt?

The judge can read about how the crime affected the victim.

3 Have you been in trouble before?

A first offence can lead to a lighter sentence. A history of offences can increase the sentence.

4 Did you show remorse?

Remorse means you understand the harm and are genuinely sorry.

5 Did you plead guilty?

Pleading guilty early can save court time and may reduce your sentence.

6 Your personal situation

The judge may consider disability, mental health, family, housing, culture, work, study and support needs.

The victim and time already served

Victim impact statement

The person who was hurt by the crime can write a statement for the court.

The statement explains how the crime affected them.

The judge reads it before deciding the sentence.

Time already in custody

If you were held in jail before your case finished, that time usually counts towards your sentence.

This is sometimes called time already served.

Ask your lawyer how this applies to your case.

Parole - being released early

What is parole?

If you go to jail, you may not serve the full sentence in prison.

You may be released early on parole.

Parole means you live in the community, but you must follow strict rules.

Rules you may need to follow

Report to a parole officer.

Stay in the state or area you are told to stay in.

Do not commit another offence.

Follow any other rules set by the parole authority.

If you break parole rules

You may have to go back to jail to serve the rest of your sentence.

Words to know

These words are often used in court.

Sentence	What the judge decides will happen after a person is found guilty or pleads guilty.
Guilty	The court finds that you did the crime, or you tell the court that you did the crime.
Not guilty	You say you did not do the crime. If the court finds you not guilty, you do not get a sentence.
Plead guilty	You tell the court you did the crime. This may reduce your sentence.
Fine	Money you pay to the court as punishment.
Good behaviour bond	A court order to stay out of trouble and follow rules.
Community service	Unpaid work you do as part of your sentence.
Suspended sentence	A jail sentence that is paused, so you stay in the community if you follow the rules.
Parole	Being released from jail early with rules you must follow.
Custody / remand	Being held in jail while waiting for your court case to finish.
Bail	Rules you follow while living in the community before your case is finished.
Victim	The person who was harmed by the crime.
Victim impact statement	A statement that tells the court how the crime affected the victim.
Judge	The person in charge of the court who makes the decision.
Lawyer / solicitor	The person who gives legal advice and can speak for you in court.
Communication Intermediary	A person who helps with understanding questions and explaining answers in court. They do not take sides.

Questions to ask your lawyer

You can take this list to court or to an appointment with your lawyer.

Take notes

Ask your lawyer to explain anything you do not understand. It is okay to ask the same question more than once.

- What sentence am I likely to get?
- Should I plead guilty?
- How much discount might I get if I plead guilty?
- What will the judge hear about me?
- Can I tell the court about my health, disability or personal situation?
- Will I get parole? When could that happen?
- What rules will I need to follow after sentencing?
- Can I get help to communicate in court?

Do you need help communicating in court?

Communication support

If you find it hard to understand what is happening in court, or hard to explain yourself, you may be able to get help from a Communication Intermediary.

A Communication Intermediary helps you understand questions and helps others understand you. They are independent. This means they do not take sides.

Contact ARTICULATE

Email: articulatememnow@gmail.com

Service: Language and Communication Consultants

This guide provides general information only. It is not legal advice. Please speak with your lawyer about your situation. Laws can differ between states and territories.