

Character References

What is a character reference?

A character reference is a letter to the Magistrate or judge who will be sentencing you. It is written by an person who knows you.

The purpose of a character reference is to tell the Magistrate about you.

The Magistrate will use the information about you as well as all the other information before the court about your matter when deciding what your sentence should be.

You can have as many character references as you want, but 2 or 3 is ideal. For less serious offences, the reference should be no more than one page.

Who can write a character reference?

Your referee needs to be someone who knows you well and is aware of why you are before the court. It is preferable that they are an adult.

Is it difficult to write a character reference?

A character reference is someone else explaining how they know you, and giving an honest opinion about your character and personal history. It should be written in their own words and have a respectful tone.

What should my referee write about?

Important things that your referee could write about include:

Demonstrated remorse: if you have told your referee about how sorry you are for the offending, they should include that in their letter. They should also mention if they have seen you make any life changes since your offending

A difficult upbringing: Many people who commit

crimes experienced a traumatic childhood. If this happened for you, the referee should include this if they know about it. They should mention what you experienced and how they saw it impact your life. These are difficult things to write about and you should speak to your lawyer about whether it is important to have it included in the reference before the court.

Challenges with drugs and rehabilitation: If the referee has seen you struggle with drugs, that can be important context for the magistrate or judge. They should particularly include any steps you have taken towards rehabilitation.

Other life challenges at the time: If there was something particularly challenging or stressful going on in your life that contributed to your offending, your referee should include it. They should include what the thing was and how they saw it impact you.

Who you are outside court: Your referee can also write about if your behaviour was strange, or out-of-character. If you have good standing in the community your referee can talk about this as well, such as any work, sports, hobbies, charities, or any other community activities you are involved in. If your referee is willing to support your rehabilitation, (for example, by driving you to treatment sessions) this would be positive. If your referee is your employer and they are willing to continue your employment, this would also be looked upon positively.

Some important formalities

Your referee **must** include that they know about the specific charges that you are in Court for. The referee **must** put their contact details and occupation in the character reference.

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The reference **must** be signed and dated.
Your referee needs to say how long they have known you for and how they know you.

A referee must not:

- Blame the victim, in any way.
- Try to minimize your offending.
- Talk in detail about what happened during the offending. The letter is about you, not what you did.
- Suggest a sentence to the Magistrate.
- Say that you did not commit the crime
- Say that you did not *mean* to commit the crime

Other tips

- The reference letter should be typed out, or neatly handwritten. Use a font like Times New Roman or Arial. The size should be 12 point.
- The letter should be addressed to the magistrate or judge of the court you are appearing in. For example, if you are in the Magistrates Court, it would be addressed to:

*The Presiding Magistrate
ACT Magistrates Court*

- Start with 'Your Honour'.
- Make copies of the character reference and keep a record for yourself.
- If you have a lawyer, give them a copy.

Remember

If you have a solicitor, you should send the character references to them before court. This will allow them time to review the reference to make sure it meets all the formal requirements. They may also review it to make sure the referee has not missed something important or included something inappropriate.

If you don't have a lawyer, bring your character references to Court with you and give them to the magistrate or judge when you are being sentenced..

If you have questions, you can contact us:

Legal Aid ACT

www.legalaidact.org.au

Phone: **1300 654 314**

Criminal Law Duty Office: Next to Court Room 1, Level 2 of the ACT Magistrates Court. Operates from 9/9:30am to 11/11:30am on weekdays.