

Going to court

MAKING
RIGHTS
REALITY



Making Rights Reality Program

This is a SECASA program that gives extra help to adults who have been sexually assaulted and who have an intellectual disability or Acquired Brain Injury, or use aids to communicate. It is called 'Making Rights Reality'. It can help you with seeing a counsellor.

It can help you with things you might need when you have appointments with the police, or if you go to court. For example, you may need a Communication Support Worker or an Attendant Carer to be with you or help you with transport.

It can also help you ask for help to pay for things you might need to help you recover and feel better. A Counsellor can help you to work out what you might need. Springvale Monash Legal Service is working with SECASA Counsellors to help people with this.

Brokerage assistance is available for CASA clients in all regions. To find out more about Making Rights Reality call SECASA on 03 9594 2289.

Booklets in this Series

Crisis Care After Sexual Assault
Having a Health Check After Sexual Assault
Making a Statement to Police
Counselling After Sexual Assault
Going to Court
Money to Help You After Sexual Assault
Sexual Assault and Family Violence- Getting Help
Sexual Assault: When Sex is Not Ok

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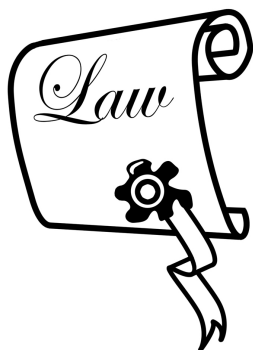
South Eastern CASA
Centre Against Sexual Assault & Family Violence



Images from CHANGE: www.changepeople.co.uk

For help phone the Sexual Assault Crisis Line: 1800 806 292 any time

What is a court?



A court is a place where decisions are made about:

- Whether someone has broken the law
- What will happen to the person who has broken the law.

Laws are rules that everyone must follow.

If someone breaks the law, they might have to go court, and they can be punished.

What does “going to court” mean?

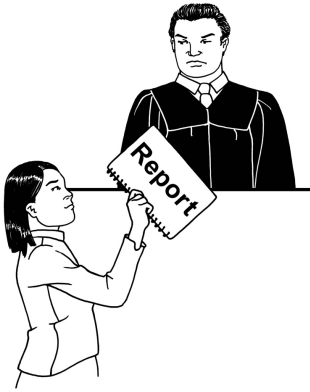


If you have been sexually assaulted, the person who hurt you has broken the law. It is your right to report a sexual assault to police.

If the police find the person, and have enough evidence that they sexually assaulted you, the police and the prosecutor can take the person to court.



A prosecutor is a specially trained person who knows about the law and how the court works. The prosecutor presents the case.



In court, the prosecutor will tell the magistrate or the judge about what happened to you.

What is a legal “case”?

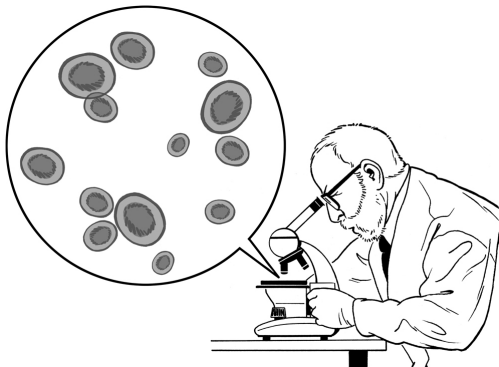


A legal case is what the police know about what happened to you, and about the person who sexually assaulted you. A legal case is also called a court case.

The case can only go to court if the prosecutor thinks there is a good chance it will be successful.



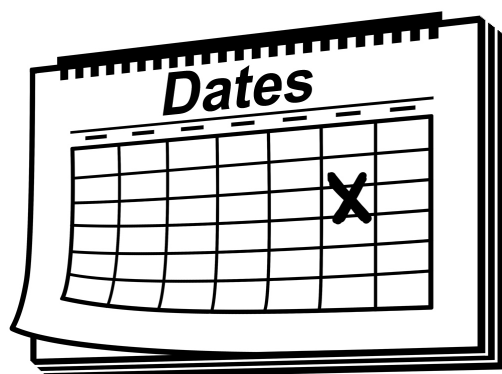
It can help the police case if you have a forensic medical examination, but it is your choice to have this.



A doctor looks for things on your body like blood, spit or semen from the person who hurt you.

This is called “evidence”. It helps the police to prove who hurt you.

What happens next?



A date will be set for the person who sexually assaulted you to go to court.

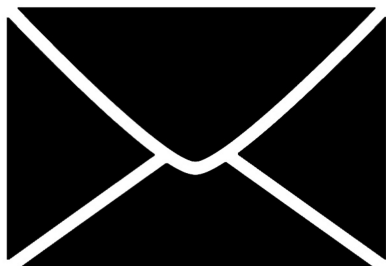
This person is now called 'the accused'.

You could go to the Magistrates' Court or the County Court. Different kinds of cases can go to different courts.

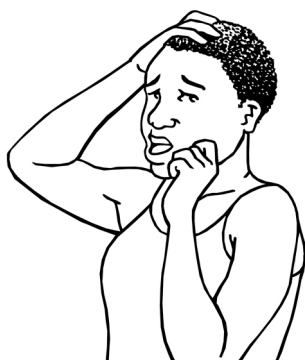


The prosecutor gets ready to talk to the magistrate or judge about the case.

The prosecutor may want to ask you some questions, when they are getting ready for court. You might meet with the prosecutor a few times before you go to court.



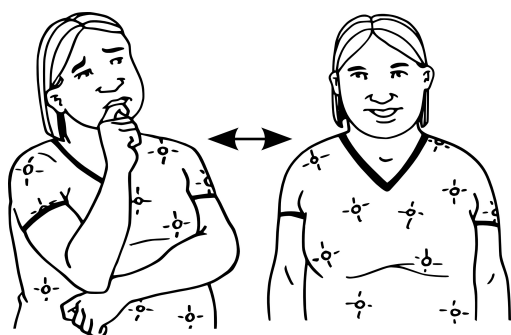
You will get a letter from the police or the prosecutor telling you when you need to be at court. This letter is called a summons if it comes from the Magistrates' court, or a subpoena if it comes from the County Court. If you get a summons or subpoena you must go to court.



Lots of people feel very worried about going to court.



Other people feel good about standing up for themselves and their rights.



You may feel both these things.



The person who hurt you will be there. You may not want to see this person.

You can go on a tour of the court before your court date so you know what to expect. The Witness Assistance Service can help with this.



Sometimes the person who hurt you tells the police and the prosecutor that they did sexually assault you. This is called “pleading guilty”. If this happens the police may say that you do not need to go to court.

If so, you can choose to go or not.

You may want to go to court because you want to see what happens. It might help you to feel better.



If the person does not “plead guilty” you will have to go to court.

The prosecutor will ask you questions to let the magistrate or judge hear what you say about what happened to you. This is called ‘giving evidence’.

Giving evidence in court is your chance to speak up about what happened to you, and is a very important part of the court case.



Your counsellor can be with you to support you if you want this.

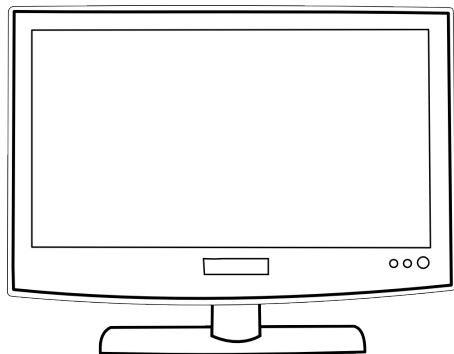


If you change your mind and do not want the court case to happen at all now, it is important to talk to someone about this. You can talk to your counsellor or someone from the Witness Assistance Service.

The police will ask you to make a statement to say that you don’t want the court case to happen.

The police and the prosecutor may decide to go ahead with the case anyway.

What happens in court?



If you go to court, you will sit in another room from the person who hurt you. Everyone in the court will then see you on a TV screen.

You might feel worried about the person who sexually assaulted you seeing you on the TV screen. You can ask to sit in the courtroom instead, but with screens around you to stop the person who hurt you from seeing you.



Yes I did

The accused may have told the police that yes, they did hurt you. This is called “pleading guilty”.



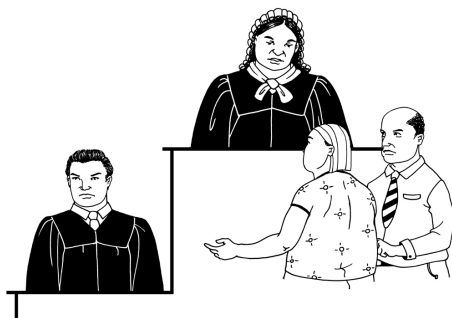
Or they may say they did not hurt you.

If they say they did not hurt you, the police and the prosecutor will try to prove to the magistrate or judge that they did hurt you.

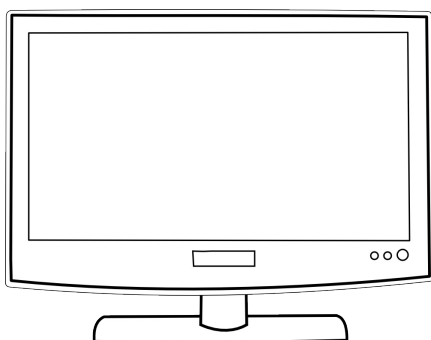


The police will give their evidence to the magistrate or judge.

The prosecutor will ask you questions about what happened to you.



The magistrate or judge will make sure that what happens in court is what the law says should happen, and that it is fair.



The video of you making your police statement will be shown. This is called “evidence in chief”.



The person who sexually assaulted you, the “accused”, will have a lawyer.

This lawyer looks after the rights of the person who hurt you.

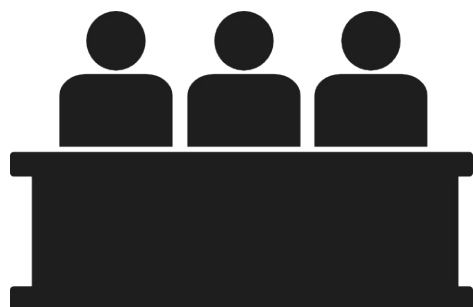


The accused’s lawyer will want to ask you questions about what happened to you.

When you answer these questions this is called “cross examination”.



If you go to the Magistrates' Court a magistrate will decide if the person who hurt you is guilty and how they should be punished.



If you go to the County Court a jury will decide if the person who hurt you is guilty, and a judge will decide how they should be punished.

A jury is a group of 12 ordinary people who are asked to go to court for a case.



If the magistrate or jury decide that there is enough evidence to show that the person you said hurt you did hurt you, then the person is "guilty". If you want to, you can make a Victim Impact Statement. This tells the magistrate or judge how the sexual assault has affected you.



Victims of Crime Assistance Tribunal

After the Court Case you have the right to apply for "crimes compensation", which is help to pay for things to help you recover after you have been sexually assaulted.

Your notes

About SECASA

The South Eastern Centre Against Sexual Assault & Family Violence (SECASA) provides services within the Southern Metropolitan Region of Melbourne to children and adults, both female and male, who have been sexually or physically assaulted. The Centre also works with non-offending family members, partners, caregivers and support workers.

The Southern Metropolitan Region encompasses the south east suburbs and covers the Mornington Peninsula, Westernport and the Dandenong, Berwick, Cranbourne and Pakenham growth corridors.

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