

What do these words mean?

Words that are highlighted in **bold** are explained in our *What do these words mean?* fact sheet.

What is a character reference?

You have been asked to write a character reference for someone going to court because this person has broken the law. A character reference is a letter and includes your opinion of this person.

The magistrate or judge will read the character reference before deciding what **penalty** to give.

The reference will be more helpful if you have known the person for a long time or you have had lots of contact with them. You must also be of good character and not have been in serious trouble with the police before.

What should I include in the reference?

The tone of the reference

Write the character reference so it is formal but speaks honestly about this person.

The contents of the reference

Below are questions that the magistrate or judge usually wants to know about. You do not have to answer every question in your reference. Only comment on things you actually know about the person.

Who you are

- Introduce yourself, say what your job is and include any qualifications you hold.

Your relationship to the person

- How do you know the person? How long have you known them? How often do you see or call them?

Your knowledge of the person's charges

- Has the person talked with you about the **charges** and why they are going to court?
- How do they feel about what they have done? Are they sorry for what they did? How have they shown that? For example, have they been distressed or upset? Have they gone to counselling? Have they paid for any damage or said sorry to the victim?

- Has the person suffered any hardship or punishment because of these offences? For example, did they lose their job? Was their reputation damaged? Do they feel disgraced in their community or among family and friends?

Your knowledge of what is going on in the person's life

- What do you know of the person's background and any hardship in their life?
- Are there any personal problems that may have played a part in what they did? For example, drug or alcohol use, financial issues, mental illness. What are they doing to overcome these problems?

Your opinion of the person's character

- What is their general character and reputation in the community?
- What sort of person are they? Is it out of character that this person committed the offence? Why do you think this?
- Do they have **prior convictions**? If so, does this affect your opinion of the person?
- Has the person contributed to their community by doing voluntary work, or had special achievements in their job or schooling, or sporting activities?

How do I set out the reference?

Write the reference like a letter. Type it up and put it on a letterhead if you have one.

See the **example character reference** on the other side of this fact sheet.

Tips

- Put the date at the top of the reference.
- For cases being heard in the Magistrates' Court, address the reference to 'The Presiding Magistrate, [court location]'. For cases in the County or Supreme Court, address it to 'The Presiding Judge'.
- Start all references with 'Your Honour'.
- Sign the reference at the end.

Where do I send the reference?

Give the reference to the person going to court. Do this well before the court date. Or send it to their lawyer. You can also call the lawyer to discuss the reference.

Character Reference Letter For Court

1 December 2012

The Presiding Magistrate
Melbourne Magistrates' Court

Your Honour,

[Who you are]

My name is Peter Johnson of 1 Temple Court, Keilor Park, architect.

[Your relationship to the person charged]

I have known Jane Citizen of 123 Alphabet Street, South Melbourne, retail assistant, for five years. We used to work together.

[Your knowledge of the person's charges]

I understand that Jane Citizen has to attend court about a theft charge. She is very upset about the charge and I believe she is sorry for what she has done.

[Your knowledge of what is going on in the person's life]

She has been under stress due to her mother's difficult battle with cancer. Even though she has been charged with theft I would continue to trust Jane with my money and belongings.

[Your opinion of the person's character]

I can say that in all the time I have known her, Jane Citizen has been a decent, hardworking and trustworthy person. I believe any behaviour she displayed that caused her to be charged with theft was a one-off event.

Yours faithfully,

[Signature]

Peter Johnson