



Overview of the Singapore Criminal Legal System

A. Initiation of Criminal Proceeding

Criminal proceedings are initiated when an arrest is made, a summon, an arrest warrant or a notice to compel the attendance of the person at court is issued.

B. Jurisdiction

Depending on the nature and severity of the charge, the matter may be heard in the Magistrate Courts, District Courts or in the High Court of the Republic of Singapore. Most criminal matters are heard before the Magistrate and District Courts while criminal offences that carry a sentence of life imprisonment or death are heard in the High Court of the Republic of Singapore.

C. Charge

The Attorney-General who acts as the Public Prosecutor has absolute control over the directions of all criminal prosecution which *inter alia* includes the formulation of the charge. If you are victim of a crime wherein the authorities have declined to prosecute the alleged offender, you may at your own expense, engage a lawyer (or appear in person) to conduct the prosecution on your behalf.

D. Summary Trials

When you are first charged in court, the charges will be read and explained to you. You must then decide whether you wish to claim trial or plead guilty unless the court grants you an adjournment.

Should you decide to plead guilty, a date for sentencing will be fixed by the Court. The

decision to plead guilty must be given utmost consideration as only in exceptional/limited circumstances will the Courts permit a retraction of your guilty plea.

E. Before the Actual Trial

At any stage before trial, your lawyer may make representations on your behalf to the Attorney-General-Chambers (“AGC”). The purpose of such representations is to reduce the overall sentence that you may receive through the AGC consenting to either a composition of the offence (for certain offences only), reduction of charge(s) or for certain charge(s) to be taken-into-consideration.

F. Bail

To ensure that you do not spend time in jail before any conviction, subject to conditions that the presiding judge may impose, bail may be granted to you. Your lawyer may assist in your bail application by making submissions on the reasons for granting bail and the conditions to be attached to such bail granted (if any).

G. Criminal Case Management System

For charges brought before the District Courts and/or if parties both agree by consent, your lawyer may meet with the Deputy Public Prosecutor from the AGC to be appraised of the charges and evidence that the prosecution has gathered against you. This provides your lawyer with a better understanding of the charges vis-à-vis the evidence and would allow your lawyer to better advise you on your best course of action in the circumstances.

H. Criminal Case Disclosure Conference (“CCDC”)

Unless you decide otherwise, the Criminal Case Disclosure Procedures (“CCDP”) will automatically apply to offences provided for in the Second Schedule of the Criminal Procedure Code, No. 15 of 2010 (“CPC”). By consent of the AGC, the CCDP may also apply to your offence charge.

Where applicable, the first CCDC will be fixed no earlier than 8 weeks from the first date of your plead. The aim of CCDC is for parties to serve necessary documents/information on the other party. Further, the prosecution has a duty to serve on the defence all materials in their possession, including those which may be adverse to the prosecution’s case.

I. Plea of Guilty / Trial

Should you decide to claim trial, broadly, the prosecution will *inter alia* examine their witness before the court and will need to establish a prima facie case against you.

Where a prima facie case is made out, you will be called upon by the court to give your defence.

Should you decide to provide evidence, you must do so under oath and you will be liable to be cross-examined by the prosecution. Other witness may be called, including evidence of an alibi (provided certain conditions have been met). For you to be found guilty of the charges brought against you, the prosecution must proof beyond all reasonable doubt that the charges against you have been established on the facts of the case.

J. Sentencing

During sentencing, your lawyer will assist in preparing a plea of mitigation which will contain mitigating factors both personal to you and the offence which the judge ought to consider in determining the appropriate sentence.

K. Conviction/Appeal

If you are dissatisfied with your conviction and/or sentence handed by the trial judge, you may lodge an appeal to a higher court. Your lawyer will advise you of the merits of the same.

The ELC Approach

Our lawyers have been practicing for more than 20 years specialising in the field of Criminal Law. The firm’s criminal law practice covers a wide spectrum of matter and our lawyers have previously represented clients facing a range of charges from kidnapping and murder to drug trafficking and white collar crimes.

After the initial no obligation consultation, we will be able to provide you with various pricing options based on how you elect to proceed.

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