

GLOSSARY OF TERMS: SENTENCING

This glossary includes words you may hear before, during or after sentencing. It also includes the titles of for some of the people you may meet, see or hear about at court.

BEFORE SENTENCING

AVL: Audio-Visual Link technology allows courts to connect directly by video screen to people involved in a case, including offenders and witnesses.

Charge: Formal accusation of a person who has committed a crime, that starts criminal proceedings in the courts.

Exhibits: Things or information used as evidence in a trial. These can include photos, video, statements, or diagrams.

Restorative Justice: A process for victims to tell the offender how the crime has affected them, and for the offender to take responsibility for their actions. Restorative justice meetings may take place before or after an offender is sentenced but only if both the offender and victim agree to take part, and if it can be safely carried out.

Disclosure: The prosecution in a criminal case must give the defendant all the relevant information the prosecution has about the case.

Murder / Homicide: The intentional killing of a human being by another.

Premeditation: The planning of the crime.

Jurisdiction: The extent of legal authority or power of a court to apply the law.

Pre-sentence Report/ Provision of Advice to the Court (PAC) Report: A report given to the Judge to provide more information about the offender and help the Judge decide what the sentence should be.

Attempted Murder: When a person intends to kill another person and tries to kill them but fails to do so.

Guilty Plea: Where an offender admits in court that they have committed the crime.

Victims' Rights Act 2002 (Or Victims Code): New Zealand law that details specific rights for victims of crime to get help and information.

DURING SENTENCING

Contempt of Court: Anything said or done, inside a courtroom and while court's in session, that disobeys or disrespects the Court, including disobeying court orders or disrupting a court hearing.

Submission: A written or spoken legal argument that is presented to the court.

Adjournment: Postponing or pausing a court proceeding until a later date or time.

Victim Impact Statement (VIS) A VIS tells the Court how the crime has affected a victim physically, emotionally, financially and socially. It helps the Court understand your views about the offending. It tells the offender how their offending has affected you.

Summary of Facts: A summary about the crime, presented to the court by the prosecutors in a criminal case to help the Judge decide what the sentence should be.

Suppression order: An order by the court or judge to stop people sharing or publishing particular information about a case.

Suppressed Information: Information the Judge has ordered people not to share or publish.

THE FINAL SENTENCE

Imprisonment: A sentence given by a Judge that a person must be punished for their crime by being kept in prison.

Life Imprisonment: A sentence of imprisonment when a person must stay in prison for the rest of their life or until they get parole.

Minimum Period of Imprisonment (MPI): When a Judge sentences a person to life imprisonment, this is the minimum time the person must stay in prison before they can ask the Parole Board to release them on parole. It does not mean they will be released. A person on a life sentence who gets parole is monitored for the rest of their life and can be sent back to prison if they disobey their conditions.

Life Imprisonment without Parole: The most serious punishment under New Zealand law. This means that an offender can never get parole and will spend the rest of their life in prison.

Parole: A system for the supervised and managed release of prisoners before their sentence is completed. An offender is released from prison to finish their sentence in the community under strict release conditions. They can be sent back to prison if they breach the conditions.

New Zealand Parole Board: makes public safety decisions about the release of convicted offenders from prison on parole.

Mitigating Factor (known as 'discounts'): Details about the crime and/or the offender that might result in a lesser sentence (for example, being young or mentally impaired)

Aggravating Factors (known as 'uplifts'): Details about the crime or the offender that might result in a harsher sentence (for example, premeditation, hate crimes or serious harm to victims).

Preventive Detention: a sentence where an offender is imprisoned indefinitely, until they can show the Parole Board that they are no longer a significant and ongoing risk to the community.

AFTER SENTENCING

Appeal: An offender can ask another court to decide if their conviction or sentence is correct. The prosecution can also appeal if it thinks a decision is wrong. An appeal against a High Court decision is to the Court of Appeal. Sometimes there can be a second appeal to the Supreme Court.

Appeal against Conviction: A defendant who pleads guilty or found guilty and is convicted of an offence in a criminal court can appeal that decision to a higher court.

Appeal against Sentence: An appeal to a higher court against the sentence imposed by a lower court, usually claiming the sentence was too severe or inconsistent with sentences for similar cases.

Victims' orders against violent offenders (non-contact order): A non-contact order stops an offender that was sent to prison for more than 2 years from contacting the victim in any way. The judge can impose special conditions, depending on each case.

PEOPLE AT COURT

Support People:

Court Victims Advisor: support you through the Court process. They work for the Ministry of Justice and can answer your questions about how things work at court.

Police Family Liaison Officer: provide support and information to families of victims of crime and acts as a link between the family and the police officer in charge of the case.

Victims Support Worker: provides information, support and advocacy services to victims of serious crime and trauma. They work for the independent agency Victims Support.

People you may see at Court:

Corrections Officers: Staff from the Department of Corrections in charge of the security of a prisoner.

Court Registry Officer: assist with the day-to-day operation of courts. They handle court documents, schedules and support the judge in running court hearings.

Court Security Officers: are responsible for all security in a courthouse, including ensuring that the judges and judicial staff, court employees and general public visiting the courthouse are safe

Counsel: A formal word for lawyer.

Defence: The lawyers for the defendant or offender.

Judge: in charge of the Court and makes decisions about cases.

Prosecution: The lawyers who prosecute the offender. Crown prosecutors are lawyers who prosecute crimes on behalf of the Crown (the state)

Standby Counsel: lawyer chosen by the Court to help a person who has chosen not to have a lawyer in court. This is to make sure a trial or sentencing is fair and runs smoothly.

Counsel to Assist: A lawyer helping the Ministry of Justice support the victims of the Mosque attacks under the Victims' Rights Act 2002. They are supported by a junior lawyer, a Ministry employee who a member of the Muslim community. The Counsel to assist helps the Court Victim Advisors give information to victims about the court process.

Offender: The person convicted of the crime. They are called a 'defendant' before they are convicted.