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CONSEQUENCES OF BEING ON A SUSPENDED SENTENCE

This handout applies if you are currently serving a suspended term of imprisonment, and are also now presently charged with further or additional criminal offences.

While you are serving a suspended sentence, any plea or finding of guilt by the court for any offence which carries a penalty of imprisonment, will result in one of the following outcomes (in accordance with s80(1) *Sentencing Act 1995*):

- (a) That you serve the full period of imprisonment that has been suspended; or
- (b) That you serve part of the period of imprisonment that has been suspended; or
- (c) That a new period of suspended imprisonment be substituted; or
- (d) That a fine of not more than \$6,000 be imposed.

However, the court must impose a sentence of (a) that you serve the full period of suspended imprisonment (ie, not options (b), (c), or (d)):

Unless a court decides that it would be unjust to do so in view of all the circumstances that have arisen, or have become known, since the suspended imprisonment was imposed. (Per Section 80(3) *Sentencing Act 1995*).

In simple terms, the court must send you to prison for the suspended sentence, in addition to sentencing you for new matters, unless there are new, additional or changed circumstances to be taken account of since that suspended sentence was imposed.

It is not possible to rely again upon the same submissions made previously in court on your behalf in sentencing.

Therefore it is most important that you provide me with your instructions as to **matters that have arisen or have become known** (i.e., new, additional or changed circumstances) since the suspended sentence was imposed.

If this cannot be done, then the Court has no alternative but to order you to serve the suspended term of imprisonment, as well as any additional sentences for the further or additional offenses you have committed.