Magistrates’ Court Practice Direction No. 9 of 2020

**Form D**

**APPLICATION FOR DIVERSION HEARING ON THE PAPERS**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| In the Magistrates' Court of Victoria at [*venue*] | |  | | Court Ref: |  |
| Informant: |  | | | | |
| Accused: |  | | | | |
| Date matter is currently listed: | | |  | | |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | The Accused is not legally represented | | | |
|  | The Accused is represented by: |  | | |
|  | | |  |  |
| Does the Accused consent to the Diversion proceeding on the papers? | | | Yes | No |
| Does the Prosecution consent to the Diversion proceeding on the papers? | | | Yes | No |
| Has the victim been consulted? (If yes, victim response must be provided) | | | Yes | No |

|  |  |
| --- | --- |
| **OFFENCES** | |
| Are there co-offenders? | Yes  No |
| If yes, names of co-offenders: |  |
| Is the matter family violence related? | Yes  No |
| Is there a current intervention order? | Yes  No (If yes, copies to be attached) |

**Charges to proceed in diversion hearing, with agreed amendments (if any) and maximum penalties (copies to be attached):**

**Charges** **to be withdrawn (if any):**

|  |  |  |
| --- | --- | --- |
| **DOCUMENTS ATTACHED** | | **YES** |
| Completed and signed Diversion notice | |  |
| Completed Diversion questionnaire | |  |
| Copy of charge(s) upon which Diversion is sought with agreed amendments (if any) | |  |
| Charges to be withdrawn if matter proceeds to Diversion | |  |
| Agreed summary of facts | |  |
| Victim impact statement (if any) | |  |
| Agreed criminal history (if any) | |  |
| Outline of Defence submissions (dot point form) | |  |
| Outline of Prosecution submissions or materials (if any, dot point form) | |  |
| Any mitigatory materials upon which Defence rely |  |  |
| Current intervention orders (if any) |  |  |
| Ancillary Orders (if any) |  |  |

**REQUEST FOR DIVERSION HEARING ON THE PAPERS**

|  |
| --- |
|  |
| *Signature of legal practitioner of Accused OR Accused* |

DATE:

Name of legal practitioner or Accused:

Email:

Telephone:

|  |
| --- |
|  |
| *Signature of Prosecutor* |

DATE:

Name of Prosecutor:

Email:

Telephone: