



Character references in criminal proceedings

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Providing your lawyer and the court with evidence of your otherwise good character can be crucial in criminal law sentencing proceedings. Significant weight can be placed on a character reference for court when determining the appropriate penalty to be imposed.

For this reason, it is important that any references you obtain are appropriately formatted and contain certain information.

Who should I get a character reference from?

Depending on your charge/s, you should consider obtaining references from:

- immediate family members;
- your employer and/or colleagues;
- any charity, community or volunteer organisations you work with; and/or
- people who have known you for a significant period of time.

How many character references should I obtain?

For a minor offence, like:

- possessing dangerous drugs (small quantities);
- driving under the influence of drugs or alcohol;
- public nuisance; and

• common assault,

we usually recommend obtaining two to three references.

For more serious offences, like:

• assault occasioning bodily harm;

• sexual assault;

• supplying or trafficking dangerous drugs; and

• possessing child exploitation material,

we suggest between three and five references.

Note that from 1 November 2025, limits to the content and use of character references have been introduced in respect of certain sexual offences. We can discuss those issues with you if you are charged with an offence of that nature.

How should a reference be formatted?

1. References should be typed and, where possible, on letterhead.
2. The reference should be addressed to:

The Presiding Judge/Magistrate
Supreme/District/Magistrates Court
(Place)

and should be headed: "Re: *(your name)*". Do not use "Dear Sir".

1. The reference must state that it is provided with knowledge of the charge/s faced.
2. The reference should then give brief details of the writer, eg who they are, position in life, family background and work details (as applicable).
3. It should then provide some paragraphs about you and your personal attributes.
4. The reference must be signed and dated.

What should a reference include?

For most cases, the main body of the reference should cover the following matters:

1. How the writer knows you and for how long; eg socially, through work, etc.
2. The writer's opinion of your character. Writers can use terms like:

- honest;
- hard-working;
- reliable;
- gentle/calm;
- trustworthy;
- respectful etc.

As noted above, references for sexual offences are subject to certain limitations, which we can discuss with you.

1. If applicable, their awareness of your dealings with other persons, in business, social or community activities.
2. Whether you have shown any level of insight, remorse, or rehabilitation since the time of the offence.
3. Their support for you despite the charge/s.
4. It is appropriate for them to comment that the offence surprises them or in their opinion is out of character for you.

What should a writer never do?

1. They should not suggest that you did not commit the offence, nor comment on what penalty the court should impose.
2. They should not criticise the law, the police, witnesses, victims or anyone else involved in the criminal court system.
3. Writers should never knowingly provide false or misleading information.

Should I write my own character reference for court?

Absolutely not. The reference must be authored by the person signing the reference.

Aside from requesting the reference and advising the writer of your charge/s, you should have no involvement in its content.

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