

RMO

RYAN
MURDOCH
O'REGAN
Lawyers

Criminal Law



Serious times. Strong defence.

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About Ryan Murdoch O'Regan Lawyers

We are a general law practice which is organised into teams of specialised experts in each of our areas of law.

Our practice area teams are committed to focussing on their area of law to ensure you always have the expertise that you need.

And, unlike some other firms – who focus on only one area of law – we can offer expert solutions for all legal areas, without the need for you to search around.

As a client you can have comfort that irrespective of what problem you may encounter in whatever area of law, our teams in all our practice areas will be able to work in tandem to offer any other specialist solutions you might require – utilising the history we already know about you and / or your business.

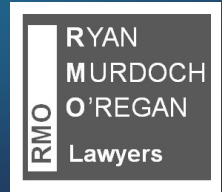
"Often, we meet our clients for the first time at the most stressful period in their life. Together we work to solve their personal and / or business problem, leading to a lifetime relationship."

For us, it's about making the complicated understandable and serving as solutions people.



Queensland
Law Society
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Criminal Law: An Overview



Have you been charged? Facing criminal charges? Need a strong defence? Before you say anything speak to our expert criminal lawyers first. We understand the law and how the system works.

Receiving a criminal conviction can threaten your:

- freedom,
- rights,
- ability to travel, and ,
- prospects of employment.

Our experienced criminal lawyers prepare the best legal defence to get you results.

For over 40 years, we have dealt with a wide range of criminal law matters and we have assisted 100's of individuals across various charges.

Remaining up-to-date with the constant changes to legislation, our expert team understands the nature of criminal law. This ensures you get the best defence possible.

Do I Need A Lawyer?

The first decision many people have to make when they are contacted by the police or charged with an offence is "*should I engage a lawyer to assist me?*"

Usually the answer, as it turns out, is yes.

If the police have contacted you in relation to an alleged offence or have charged you with an offence, then the sooner you arrange for your lawyer to be on-side looking after you, the better.

Our criminal lawyers are very familiar with police processes and can assist you through this process right from the start. We can help ensure that anything you say or do is designed to ultimately get you the best result.

The entire court process can be a daunting experience.

Our Criminal Law Team can guide you through the system and can provide you with the advice and support you need in what is normally a distressing, and often, a difficult time for you.

The plan we will develop for you:

1. Takes into account your individual circumstances – **we listen!**
2. Draws on our experience – **we are the experts!**
3. Helps you achieve the best possible outcome – **you get the best possible outcome!**

"Invest in the best. RMO Lawyers"

Pleading Guilty Or Not Guilty



Usually people who are charged with an offence are either pleading guilty or not guilty.

If you have been charged with an offence and you wish to plead guilty, then it is usually essential to have our experienced criminal lawyers with you to achieve the best result.

Our experienced criminal lawyers can make submissions directed to the relevant issues a magistrate or judge needs to hear in relation to your matter.

With our experience we can utilise the various laws and previous sentencing decisions to your advantage and make you stand out to the court, rather than blend in with all the other people attending court that day.

Importantly, retaining a lawyer shows the court that you are taking the matter seriously which is quite often exactly what you are trying to demonstrate to the magistrate or judge who is hearing your matter.

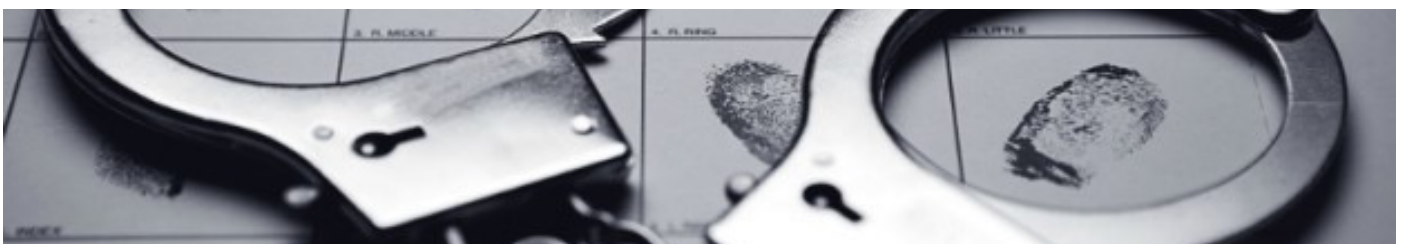
The alternative is when a person wishes to plead not guilty to a charge. The law is very complex and even simple matters are sometimes not as straightforward as they seem.

We can advise you on firstly whether you should be contesting or defending a charge and if so, your prospects of success.

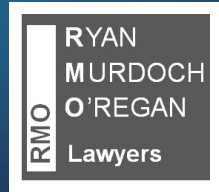
We can forward submissions to the Prosecution requesting that charges either be withdrawn or substituted for a lesser charge.

If a matter is going to Trial then you can rely on the experience of our team to prepare your case professionally and competently.

We can attend to obtaining witness statements, issuing subpoenas, briefing a barrister (where necessary) and running your trial from start to finish.



Bail Applications



When you are charged with a criminal offence you may find that you are not automatically released from the police station after being arrested and charged.

If bail is not granted by the police when you are arrested you will need to make an application for bail in front of a magistrate.

One Chance to Get It Right

It is important to note that unless there are extenuating circumstances, a person has only one opportunity to make an application for bail before a magistrate. It is therefore important to get it right. If you are charged with a criminal offence we recommend getting in touch with an expert criminal lawyer, or arranging for a family member to make contact initially.

Our experienced Criminal Law Team has been drawn from experienced defence lawyers and prosecutors who have years of experience with bail applications and can put your case for bail to the magistrate as eloquently and persuasively as possible.

It is important to obtain legal advice as soon as possible to increase your prospects of being granted bail on your first appearance before the court.

What Will the Court Consider?

The court considers many factors when deciding whether or not to grant bail.

You will need to convince the magistrate that:

- you will appear in court on the next occasion,
- you will not break the law while on bail, and
- you are not a danger to the general public, witnesses or yourself.

The court will consider many things when deciding whether to grant you bail. The more serious your offence, the more evidence you will need to supply to convince the court that you are not a risk to the community.



Drug-related Offences



Before you say anything speak to our expert drug lawyers about our charges first. Caught possessing drugs? Caught drug trafficking? Caught supplying drugs? Have you been charged?

You need the best defence. Our expert drug offence lawyers have assisted 100's of individuals defend charges and prepare the best defence so you get the best possible result.

Possession

Possession of a dangerous drug is enough to cause liability – despite the offender's intended purpose for the drug. A person is liable for dangerous drug possession if they have dangerous drugs in their custody and police can prove that the drugs are within their physical domain.

Production Of A Dangerous Drug

If a person has been involved in the production of a dangerous drug then they are liable to be charged accordingly. There are limited defences to production of a dangerous drug unless a person can prove that the drug is not harmful, the production was lawful or their involvement did not contribute to the production.

To be liable a person must have been involved in the preparation, cultivation, packaging, harvesting or any other stage of production of a dangerous drug.

Trafficking

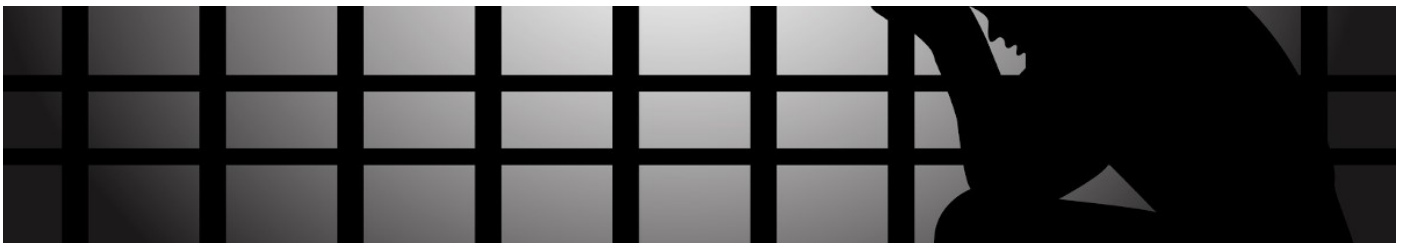
Drug trafficking is dealt with under section 5 of the Drug Misuse Act 1986. The act stipulates that anyone who 'carries on the business of unlawfully trafficking in a dangerous drug is guilty of a crime'.

A person is liable if it can be proven that they 'carried on a business' i.e. there is proof of transactions over a period of time, and a person 'trafficked' – meaning they traded and sold a dangerous drug.

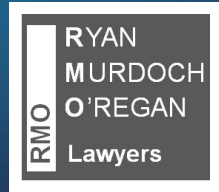
Supplying Dangerous Drugs

In accordance with section 6 of the Drug Misuse Act 1986, a person who unlawfully supplies a dangerous drug to another, whether or not the other person is in Queensland, is guilty of a crime.

Supplying dangerous drugs is a similar offence to trafficking although police will not need to prove that transactions took place for a certain period..



Internet Offences



Internet offences cover a broad range of offending, from computer hacking offences to using a carriage service to menace, harass or cause offence to possession of exploitation material.

The maximum penalties relating to internet offences vary depending on the type of charge and the number of charges against any particular defendant.

The commission of internet offences can be breaches of either Queensland or Commonwealth legislation, each of which are subject to different sentencing regimes.

Cybercrime

Cybercrime has become an increasingly sophisticated threat and can be conducted from a person's lounge room or be a part of a large, international operation.

Cybercrime is used to describe crime directed at computers or other information communication technologies. This may include computer hacking, service attacks, online fraud, money laundering and identity theft.

These offences are ordinarily charged as fraud.

Using A Carriage Service To Menace, Harass Or Cause Offence

This offence is charged where you have been accused of using a carriage service (i.e. telecommunications service) to repeatedly contact or attempt to contact someone to menace, harass or cause offence. A carriage service may be any form of electronic communication, such as phone calls, text messages, emails, Facebook and other social media communications.

If you have been charged with the offence of using a carriage service to menace, harass or cause offence you should immediately stop contacting, or attempting to contact, the complainant

It is important you seek legal advice as there are a range of potential penalties that may apply if you are convicted, including imprisonment.

Section 222D of the *Criminal Code Act 1899* (Qld) deals with the possession of child exploitation material. These offences occur when a person has in their possession indecent images of children under the age of 16, regardless of whether the images are of actual or animated children. You will also be charged if you are caught using a carriage service to groom a child.



Legal Aid



Ryan Murdoch O'Regan Lawyers are preferred suppliers of Legal Aid for criminal law, traffic law and youth justice matters only.

We provide our Legal Aid clients with outstanding service, and are committed to providing legal assistance to those unable to afford private representation.

We can assist you with lodging your application for Legal Aid.

If you require detailed information on the Legal Aid process, eligibility requirements or would like to make an application visit Legal Aid Queensland's website and access the Factsheet 'Can I get Legal Aid'.

Alternatively, you can call us on 1800 999 529 to speak with a member of our team and find out about applying for Legal Aid today.

What to Do If You Have Been Charged?

Seek expert legal advice and representation as soon as possible.

Defending your criminal charge/s with an experienced criminal lawyer at your side can mean the difference between securing the best or an average outcome, regardless of the charges.

How We Can Help

Our criminal lawyers can expertly:

- navigate criminal law complexities,
- advise you on the likelihood of being found guilty of a criminal offence,
- advise you on your prospects of success if you decide to plead not guilty,
- provide extensive support in the lead up to court appearances,
- respond to your questions in a timely manner, and
- let you know the potential penalties that may apply if found guilty by the court.



Sexual Offences



Defending your criminal charge/s with an experienced criminal lawyer at your side can mean the difference between securing the best or an average outcome, regardless of the charges.

Wilful Exposure

Section 9 of the *Summary Offences Act 2005* states that "a person who is so near a public place that the person may be seen from the public place must not wilfully expose his or her genitals so that the person's genitals may be seen from the public place, unless the person has a reasonable excuse".

Unlawful Carnal Knowledge

Unlawful carnal knowledge, as written in section 215 of the Criminal Code Act 1989 (Qld) ("**the Code**"), is the act of having or attempting to have carnal knowledge with a person under the age of 16.

Sentencing depends on the age of the child; if the child is 12 years of age or more it is possible to plead that it was believed that the child was 16 years of age.

Rape

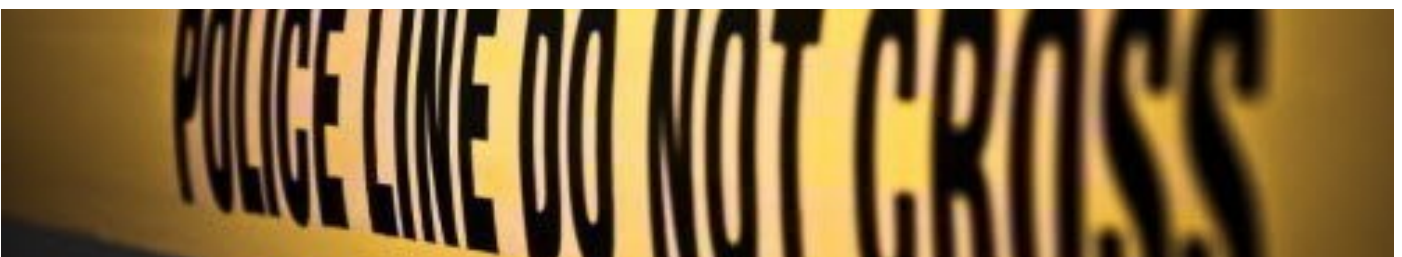
Rape is dealt with under section 349 (2) of the Code.

A rape occurs when a "person has carnal knowledge with or of the other person' without consent, or, the other person's body is penetrated by a thing or extension of the offender's body".

Using The Internet To Procure Sexual Abuse From A Child Under 16

Section 218A of the Code stipulates that any adult who uses electronic communication with the intentions to procure a person of less than 16 years of age, or a person who they believe to be of less than 16 years, into engaging in a sexual act in or out of Queensland is liable for using the internet to procure sexual abuse from a child under 16.

Additionally, anyone who exposes a person under the age of 16 to indecent matter without reason is liable.



Theft, Fraud & Robbery



Have you, or someone you know, been charged with a theft, fraud or robbery charge? Are you facing the risk of imprisonment?

Our expert criminal lawyers can defend you against all theft, fraud and robbery charges, including:

- fraud,
- stealing,
- burglary or enter premises,
- robbery, and
- armed robbery.

Fraud

As outlined by section 408c of the Criminal Code Act 1899 (Qld) ("**the Code**"), a person is guilty of fraud if they dishonestly; use the property of another, obtain property from another, induce another to transfer property to any person, force a person into doing an act which they are lawfully entitled to do or leaves without paying out a transaction that is owing with intention to avoid payment.

Stealing

Section 391 of the Code states that a person who "fraudulently takes anything capable of being stolen or fraudulently converts the person's own use or to the use of any other person anything capable of being stolen" is guilty of stealing a thing.

Burglary Or Enter Premises Offences

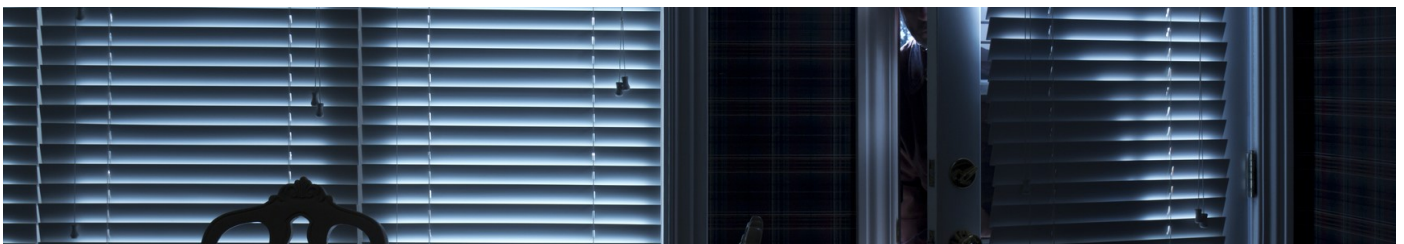
Burglary or enter premises offences are covered by sections 418 to 421 of the Code.

The Code states that a person who breaks any internal or external part of a dwelling or premises, or opens a dwelling or premises by any means (e.g. unlocking, opening, pushing) is said to break into that dwelling or premises.

Robbery

Robbery is an extension of stealing, and covers circumstances where violence has been used to steal or attempt to steal an item.

Section 409 of the Code provides, when a person steals anything and at the time of, before or after the theft threatens to use violence to obtain the item or overcome resistance, is liable for robbery.



Violent Offences



Ryan Murdoch O'Regan Lawyers' expert criminal lawyers can defend you against all violent offence charges, including:

- common assault,
- assault occasioning bodily harm,
- negligent acts causing harm,
- affray (fighting in public/private),
- assault or obstruct a police officer,
- serious assaults (including a police or public officer),
- grievous bodily harm,
- attempted murder,
- murder,
- manslaughter, and
- any other offence of violence.

Common Assault

Section 245 of the Criminal Code Act 1899 (Qld) ("**the Code**") provides that anyone who "strikes, touches, or moves, or otherwise applies force of any kind to, the person of another, either directly or indirectly, without the other person's consent, or with the other person's consent if obtained by fraud" or threatens a person with the before mentioned is liable for assault.

Assault Occasioning Bodily Harm

For a charge of assault occasioning bodily harm, it must be shown that a person was assaulted, and that the person has suffered an injury that has affected their health or comfort.

Negligent Acts Causing Harm

Negligent acts causing harm are addressed in sections 328 of the Code. This provides that "any person who unlawfully does any act, or omits to do any act which is a person's duty to do, by which act or omission bodily harm is actually caused to any person is guilty of a misdemeanour."



Violent Offences (continued)



Assault Or Obstruct A Police Officer

If a person obstructs, hinders or interferes with a police officer while he or she is trying to execute his or her duty they are liable for assault or obstruct on a police officer.

In order to be liable for assault on a police officer, in addition to the above criteria for assault, it must be proven that a person acted towards a police officer who was, at the time of the incident, executing his or her role as a police officer.

It is not a defence that you were unaware that the person was a police officer.

Serious Assaults (Including A Police Or Public Officer)

Section 340 of the Code provides that any person who:

- assaults another with the intent to commit a crime or resist arrest,
- assaults or wilfully obstructs a police officer or person performing a duty under law, or
- assaults a person over the age of 60 years,

is liable for a charge of serious assault.

Grievous Bodily Harm

To cause grievous bodily harm to another person means to seriously disfigure a person, cause injury that could endanger or is likely to endanger life, cause permanent injury to health, or cause the loss of a distinct organ.

Attempted Murder

Attempted murder is outlined in section 306 of the Code.

Attempted murder is defined as attempting to unlawfully kill another human being or conspiring to kill another human being. It includes failed attempts to murder with intent.

Murder

Murder is dealt with under section 302 of the Code. Murder is defined as unlawfully killing another person under the following circumstances; the offender intends to kill or cause grievous bodily harm to the person killed or some other person and the offender intends to stop the life of another through wilfully stopping the breathing of a person.

Manslaughter

Manslaughter is addressed in sections 303 of the Code. A person is guilty of manslaughter if they have unlawfully killed another person in circumstances without intent, and it is shown there are no defences applicable.

What Our Clients Had To Say



"These solicitors are the most unforgettable services. I'm so 100% satisfied with their kindful service. The assistance makes me so grateful and I can't thank you enough for your kind advice. Once again thank you very much for your great services. KB"

*"Thank you for your assistance and support for *Jane in this matter. Our heartfelt thanks for representing *Jane and the amazing outcomes given our lack of supporting evidence. I am hopeful that *Jane will now meet her probation requirements get on with a productive life given that she has been given this opportunity. CH"*

"Awesome! Easy to talk to, and always made me feel comfortable and at ease even though I was freaking out. Very reassuring and I felt more than confident in being guided as to the best way to proceed with matters. To this end, I received the best possible outcome so I cannot thank you enough. I say with the utmost respect that I hope I never see you again - but sincerely wish you and your team all the very best in the future. Thank you for everything. AV"

*"Just wanted to say that RMO Lawyers were our lawyers for *John and *Andrew. Couldn't of asked for a better person. Not only our lawyer but was always there for support and become a very important part of our life and myself and the boys will always be eternally grateful. KG"*

"Please give my heartfelt thanks to the Criminal Law Team for their amazing work and professionalism. The transition was seamless. I am so impressed with Ryan Murdoch O'Regan Lawyers and how they have handled my case from day one. SW"

"Very knowledgeable. It showed with no conviction being recorded. Also very punctual and professional in both private meeting and court proceedings. BB"

"I would like to thank you for all your efforts and assistance in "B's" case. He seems quite satisfied with the outcome you presented to him yesterday and is looking forward to getting the opportunity to move forward with his life in a more positive direction. SD"

"Just a short email to say thank you for your support throughout the court cases. We are all glad it is all over. And will all be on our best behaviour. Not what we had wanted as it turned out (guilty pleas) but a good outcome. Again thank you. JE"





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This is general advice only.

You should seek specific advice for your particular circumstances.