

# How to Write a Character Reference

intended for use in criminal law cases in the Magistrates Court

This guide will assist you in obtaining character references, and it will assist your referee to know what they should include in such a character reference to be used for sentencing purposes.

References should be from people who have known you or have had relevant contact with you and are able to comment on your character.

## WHAT TO INCLUDE IN A CHARACTER REFERENCE

References should include:

- the length of time that the referee has known you
- the basis of the relationship or connection that the referee has (or has had) with you. For example, they may know you because they have been your teacher recently, your supervisor at your place of employment or they may have been a long-term family friend
- the circumstances through which the referee knows you and has contact with you, including how frequently you meet or see each other socially, in business or otherwise
- the referee's observations regarding your character, personality and behaviour. The referee can cite, where relevant and available, examples of your patriotic, public-spirited or selfless actions, or they might otherwise describe your positive character traits
- an acknowledgement by the referee of the offences for which you have been charged, and a statement that the reference has been specifically written for use at court. The reference should therefore be addressed to 'The Presiding Magistrate' and not 'to whom it may concern'. References that are of general nature and do not refer to the offending behaviour are accorded little weight by the court as they do not attempt to place the offending behaviour in the context of your general character

- that you have discussed the relevant offence/s with the referee in detail
- that you have shown remorse in respect of the offences and how that remorse has been demonstrated
- that the offences are something the referee would regard as being out of character for you
- a clear acknowledgement that the referee is aware of the nature and seriousness of the charge/s against you.

## WHAT NOT TO INCLUDE IN A CHARACTER REFERENCE

A reference is USED ONLY AFTER a person has been convicted and it should NOT say or intimate that the referee knows, believes or thinks that the person could not be, is not or is unlikely to be guilty. The referee may indicate that it is not typical of your normal behaviour and can state that it is out of character.

References that are too glowing in their praise or that appear not to be objective in their assessment destroy the very effect they are intended to create.

References should NOT deal with penalty. It is very undesirable for the referee to say, for example, 'I know that a jail sentence would be harmful and would be of no benefit'. This is a matter for the magistrate (judge) alone to determine.

## OTHER FORMALITIES

All character testimonials must be signed and dated. If relevant, the referee should include any formal positions held by them. In such cases, the reference should be written on letterhead paper.

It is important that the original character reference is handed to the presiding magistrate. Copies of the reference can be made by your solicitor prior to court.

While there is no limit to how long character references should be, references generally should not be longer than one or two pages.

There is no rule about how many character references can be tendered, but be aware that the magistrate will have limited time to read such material. Therefore, one, two or three quality references are preferable in the majority of situations.

It would be an offence to forge a reference from someone, and it would also be an offence to try to hand up a fraudulent reference to a magistrate.

## OF NOTE

If you are unable to obtain a character reference for court purposes, then, if relevant, you should still try to make sure that you make the court aware that your offending behaviour is out of character, unlikely to be repeated and you are remorseful about what has happened. If the offence has prompted you to start therapy or counselling to deal with the problems that caused you to engage in the offending behaviour, try to obtain a letter confirming this from your counsellor or support service provider.

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