



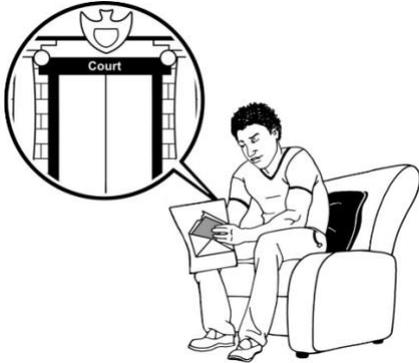
Ministry
of Justice



Before court: Going to a Criminal Court as a Defendant

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This leaflet is to help you understand what you need to do if you are charged with a crime and told to go to a magistrates' or Crown Court



You have been charged with a crime in a police station or by post.

You have been told to go to court.

At court you will be called a defendant.

This information is important and you should read it before you go to court.

You should also read the guide to legal terms used in the criminal courts.

Legal Advice

If you want help with your case talk to a lawyer.

Do not wait until you come to court to talk to a lawyer.

Solicitors and barristers are lawyers.

They can argue your case for you in court.

Speaking to a lawyer does not make it look like you have done anything wrong.

A solicitor can help you find out if you could get free legal advice. This is called legal aid.

You can find a solicitor online at:

solicitors.lawsociety.org.uk

Or you can phone the Law Society on 020 7320 5650.

You can find a barrister online at:

www.directaccessportal.co.uk

You can also speak to an advice agency like Citizens Advice. They might be able to help you find a lawyer, or give you guidance.



What happens if I do not turn up at court?



You could be arrested. You may be kept in prison until your new court date.

The court can sometimes deal with your case even though you are not there. If that happens, then you will not be able to have your say.

What is a magistrates' court?



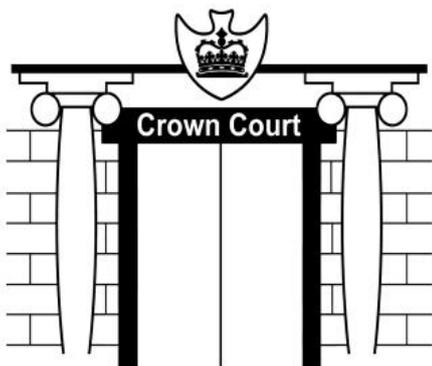
All criminal cases start in a magistrates' court.

Your case could be heard by up to three magistrates or one District Judge in this court.

Magistrates are not lawyers. They are supported by a legally trained adviser.

District Judges have been trained in the law. They can sometimes hear your case instead of magistrates.

What is a Crown Court?



Serious criminal cases go to the Crown Court. You might be told to go to a Crown Court after your first hearing in a magistrates' court.

Trials in the Crown Court are heard by a judge and a jury.

What about my children?

You could be at court all day.

You can bring children to court. But they are not allowed to go into the courtroom with you.

Try to get someone to care for your children for the day.

If you cannot do this, bring someone you trust to court with you. You can leave your children with them when you are in the courtroom.



For some crimes you can be sent to prison before your trial or as your punishment. You should think about who might be able to look after your children if you were sent to prison. Ask for their help, just in case.

If you are sent to prison, you will have to go there straight away.

What should I bring to court?

You could be waiting at court for a long time. If you have been told to arrive at court at 9.30am or 1.30pm, this does not mean your hearing will happen at this time.



Take something to do with you. This might be a book or a magazine.

Take a friend or family member with you who you trust. They can support and help you.



In case you are sent to prison take a bag of some things with you, like comfortable clothes and shoes, ear plugs, cash, essential medication, family phone numbers and addresses, paper and stamped envelopes.



What should I wear to court?

You should look like you are taking your court case seriously.

Try to wear something formal and smart to court.

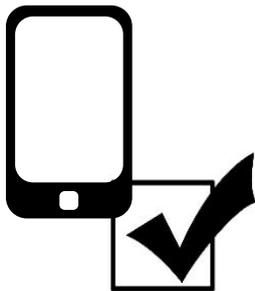


Do I have to be on time?

Yes! Do not be late for court.

Make sure you know how long it will take you to get there. Plan your route to court before the day.

Leave lots of time in case something goes wrong.



Security at court

You will have to go through security when you get to court.

Your bags will be searched.

You might be body searched.

You cannot take alcohol, glass or knives into court.

Here are all the things you cannot take:

<https://www.gov.uk/entering-court-or-tribunal-building>

If you bring something on this list to court it could be taken away from you.



You are allowed to take a phone into court. You must turn it off in the court room.

But you are not allowed to take photos or videos anywhere in the court building.

Support at court



- **Duty solicitors** might be able to help you if you haven't got a lawyer before you go to court.
- **Court staff** can help you with questions about the court. But they cannot give you legal advice or talk about your case. They wear HMCTS badges.
- **Liaison and Diversion Services** help people with mental health problems or learning difficulties.
- If you cannot speak English very well, or have a disability that makes it hard for you to understand, you should tell the court as soon as possible. They can get you **an interpreter**, or other support to help you understand.



What happens in a courtroom?

You could be at court for a hearing or a trial. These are held in a courtroom.

Hearings are held to talk about things like:

- What crimes you are charged with
- What your plea is
- Whether you will have to come back to court

You will only have a trial if you say you are not guilty and did not commit the crime.

At a trial people give evidence and a judge or magistrate or jury decides whether you committed the crime.



You will be told at the end of your hearing or trial if you need to go back to court.

What is a sentence?

A sentence is the punishment you will get if you are found guilty or you plead guilty.

Your sentence could be a fine, a community sentence, a driving disqualification, prison time or something else.



You could get a suspended sentence. This means you will not have to go to prison unless you commit another crime. You might have to do something like unpaid work, or go to meetings with a probation officer. These are called 'requirements'. If you do not do what you are told you could be punished, and you could be sent to prison.

You can find out about the sentences for different offences here:

www.sentencingcouncil.org.uk



A judge or magistrate will consider many things when deciding what sentence to give you. For example, if you have other convictions you might get a bigger punishment.

Find out more here:

www.gov.uk/how-sentences-are-worked-out

If you are going to say you are guilty, you should do this as soon as possible.

If you plead guilty your sentence might be reduced. The earlier you tell the court you are going to plead guilty, the more the punishment can be reduced.

This is for your information. It is not meant to tell you to plead guilty if you are not guilty of the charge. Get legal advice.



Your finances

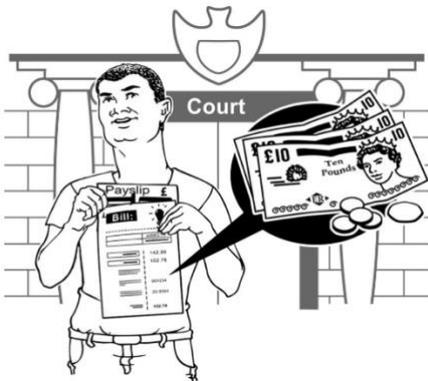
If you plead guilty or the court finds you guilty then the court may decide to fine you. You might have to pay a fine straight away.

You may be ordered to make some other payment. This could be towards the prosecution costs, or compensation for the victim.

Before the court decides what amount you must pay it will want information from you about your finances.

You will be asked how much money you earn or what you get in benefits, and what your living expenses are. The form that is used is here:

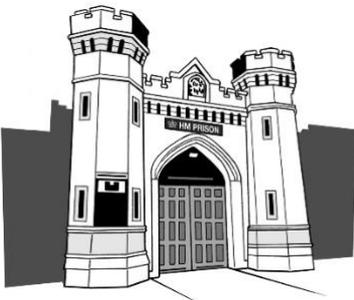
<https://www.gov.uk/government/publications/form-mc100-make-sure-you-can-pay-your-fine-english>



What happens if I get sent to prison?

If you are sentenced to prison time you will have to go straight to prison from court.

You might not be able to speak to family or friends. Friends and family can arrange to visit you when you get to prison.



Your Criminal Record

If you are found guilty you are very likely to get a criminal record, even if you do not think the crime was serious.

This can have a big impact on your life.

You might have to tell your employer, or declare it when you apply for jobs.

It might stop you travelling to some countries for work or holiday.

Get legal advice about what you have to declare.



Help and support:

Getting a lawyer

www.citizensadvice.org.uk/law-and-courts/legal-system/finding-free-or-affordable-legal-help

Solicitors:

<https://solicitors.lawsociety.org.uk/>

www.lawsociety.org.uk/for-the-public/common-legal-issues/criminal/

Barristers:

www.barcouncil.org.uk

www.directaccessportal.co.uk

Sentences

www.gov.uk/how-sentences-are-worked-out

<http://ybtj.justice.gov.uk/>

Support

Alcoholics Anonymous: www.alcoholics-anonymous.org.uk

MIND (mental health advice): www.mind.org.uk

National Debtline: www.nationaldebtline.org

Samaritans: www.samaritans.org

Shelter Housing: england.shelter.org.uk

SSAFA (the Armed Forces charity): www.ssafa.org.uk

Women's Aid: www.womensaid.org.uk
