

What Happens When You Are Charged with a Criminal Offence?

A guide for adults appearing in courts in England & Wales without a lawyer (Litigants in Person)

You may have been **ARRESTED**, or received a **SUMMONS** or **POSTAL REQUISITION**. This guide explains what will happen and what choices you need to make.

Getting Legal Advice & Support



Duty Solicitor — Free Legal Help

There is **FREE LEGAL HELP** from a **DUTY SOLICITOR** at the police station or court for all offences that could result in prison.

- **INDEPENDENT** — completely separate from the police and CPS
- **CONFIDENTIAL** — what you say cannot be passed on
- Free to use **ONCE** per case at court

Ongoing Legal Aid: You may qualify for **LEGAL AID** to fund a solicitor throughout your case. Check eligibility at gov.uk/legal-aid. For serious **CROWN COURT** cases legal aid is likely available, but is **means-tested** — your income and savings will be assessed.

Other Support Available

Citizens Advice Bureau

- Free advice on your charge
- Support for alcohol/anger management
- citizensadvice.org.uk

Clinks Directory

- Voluntary sector organisations
- Accommodation, substance misuse & employment
- clinks.org/directory

The Charge — What Happens After Your Arrest

4 Possible Outcomes After Your Arrest



After being released by police there are four possible outcomes:

- **No Further Action (NFA)** — no charges will be brought against you
- **Out-of-Court Resolution** — e.g. a caution (you must admit guilt)
- **Charged at the police station** — told when to attend court
- **Released Under Investigation (RUI)** — a summons is sent to you later

If charged, a **CHARGE SHEET** shows the offence(s), when/where it happened and victim details. **Do not ignore your court date** — a warrant may be issued for your arrest.

Types of Offences



1 SUMMARY ONLY

Least serious

- Magistrates' Court only
- Must be charged within **6 months**
- Max sentence: **6 months**



2 EITHER WAY

Moderate severity

- Magistrates' or Crown Court
- You may choose Crown Court
- Crown Court = heard by a **jury**



3 INDICTABLE ONLY

Most serious

- Crown Court only
- Starts at magistrates', then sent up
- Always heard with a **jury**

Your Case — Step by Step

1



First Hearing — Always at the Magistrates' Court

- You will be asked for your **NAME, ADDRESS and DATE OF BIRTH** — failure to give this information is a separate offence
- For summary or either-way offences, enter a **PLEA** — say 'Guilty' or 'Not Guilty' to each charge
- For indictable offences, you do not enter a plea at this stage — but stating you intend to plead guilty earns full credit on any eventual sentence
- If you **CANNOT ATTEND**, tell the court — a doctor's note must specifically state you were too ill to attend court (this is different to being too ill to work)
- If charged with an imprisonable offence, you may see a duty solicitor **FREE** on the day

2



Allocation — Which Court Will Hear Your Case?

Stays in Magistrates'

- Summary-only offences
- Either-way kept by magistrates
- Heard by 2-3 magistrates or District Judge

Sent to Crown Court

- Indictable-only offences
- Either-way sent up by magistrates
- Or when you choose Crown Court
- Heard by judge and jury

WARNING: If you are found guilty, Prosecution costs in the Crown Court will be much greater than in the magistrates' court.

3



Entering Your Plea

GUILTY PLEA

- You admit committing the offence
- First hearing plea = **1/3 discount** on sentence
- The later you plead, the smaller the discount
- Can plead guilty '**on a basis**' (your version), though this may not be accepted by the court if it would make a difference to your sentence.
- Can plead guilty to a **lesser charge**

NOT GUILTY PLEA

- You deny the offence or claim a legal defence
- Your case will go to **TRIAL**
- No discount if found guilty after trial
- Prosecution costs will be significantly higher

TIP — Mitigation: Even if you committed the offence, you can tell the court why it happened (e.g. provocation). Plead **GUILTY** and you will have the opportunity to explain — this may reduce your sentence.

4



Bail — Will You Be Released Until Your Next Hearing?

- **Unconditional bail** — no restrictions while you wait
- **Conditional bail** — curfew, electronic tag, reporting to police, exclusion zones
- **Remand in custody** — if bail is refused you wait in prison
- You can **APPEAL** a bail refusal at any time

WARNING: Failing to attend court is a separate offence. Any new offence committed while on bail is treated more seriously.

The Trial — How It Works



Before the Trial

A **PET FORM** (Magistrates') or **Better Case Management Form** (Crown Court) must be completed — the legal adviser can help if you don't have a lawyer. There may be **PRE-TRIAL HEARINGS** to organise timetabling and special measures (e.g. screens for vulnerable witnesses).

Stage 1: Prosecution Case

- Prosecutor makes **opening remarks** summarising the charges
- Prosecution calls witnesses: **Evidence-in-Chief** → **Cross-examination by you** → Re-examination
- At the end you or your lawyer may argue **No Case to Answer** — if agreed, you are acquitted and the trial ends

Stage 2: Defence Case

- You call your witnesses: **Evidence-in-Chief** → **Cross-examination by prosecution** → Re-examination
- **You can give evidence yourself** — not giving evidence may harm your case
- The legal adviser can advise you on whether to give evidence if you don't have a lawyer

Stage 3: Closing Speeches

- When the defendant is unrepresented, the prosecution is normally **NOT** allowed to make a closing speech
- You can make a **Defence closing speech** summarising your case and witnesses

Stage 4: Verdict

NOT GUILTY — Acquitted

- Case is over — charge removed from your record
- Apply for a **Defendant's Costs Order** to reclaim travel, legal fees and printing costs

GUILTY — Sentenced

- Court will sentence you — immediately or after a pre-sentence report
- Time on remand can count towards a prison sentence

Sentencing & Payments



How Your Sentence is Decided

Your sentence follows the **SENTENCING COUNCIL GUIDELINES** ([sentencingcouncil.org.uk](https://www.sentencingcouncil.org.uk)). The court considers **CULPABILITY** (your level of fault) and **HARM** caused, plus aggravating and mitigating factors. You complete a **MEANS FORM** so the court can take your income into account.

Payment	Details
Prosecution Costs	CPS rates: from £85 (early guilty plea) to £620 (found guilty after trial). Other prosecutors set their own rates.
Fine	Set by sentencing guidelines and adjusted to reflect your income
Surcharge	40% on top of any fine (e.g. £100 fine + £40). Fixed amounts for other sentences — community order = £114

WARNING: If you do not pay what you owe, **BAILIFFS** can be ordered to remove your goods to the value of the debt.

Pre-Sentence Reports & Community Orders



If the court is considering a community order or prison, a **PRE-SENTENCE REPORT (PSR)** will be prepared by the Probation Service. Cooperate fully — it helps the court give you the most appropriate sentence given your personal circumstances.

- **Community order** — supervised by Probation Service; may include unpaid work, curfew, or behaviour programmes
- If magistrates' sentencing powers are insufficient, your case is **committed to the Crown Court** for sentencing

Appealing Your Case



Your Right to Appeal

If you disagree with the verdict or sentence you have the right to appeal. Act quickly — there are strict **DEADLINES**.

Magistrates' Court Appeal

- No permission needed — you have a right to appeal
- Must appeal within **21 days**
- Heard at Crown Court: judge + 2 magistrates
- **WARNING:** Could result in a worse outcome if original sentence was too lenient
- Original sentence **continues** while awaiting appeal

Crown Court Appeal

- Must apply for **permission to appeal** to the Court of Appeal
- Appeal conviction within **28 days** of conviction
- Appeal sentence within **28 days** of sentencing
- Cannot result in an **increase** in sentence



Need Help? You Are Not Alone

At any time during your case: speak with the **LEGAL ADVISER** or court staff, or write a **NOTE TO THE JUDGE** via the usher.

After the trial: if you feel upset, speak to your **GP** or contact the **Samaritans** free on **116 123** or email jo@samaritans.org (available 24/7)

Key Terms Explained

Adjournment Case postponed to another date	Indictable Only Most serious offences — Crown Court only
Allocation Decision about which court hears your case	Legal Aid Government funding for legal representation (means-tested)
Bail Released until your next court date, with or without conditions	Means Form Form showing finances — helps set financial penalties
Caution Police warning instead of prosecution — you must admit guilt	Mitigation Reasons that may reduce your sentence
Committal Your case is sent to the Crown Court	PET Form Preparation for Effective Trial form — organises your trial
Community Order Non-custodial sentence managed by the Probation Service	Pre-Sentence Report Probation Service report helping court sentence you fairly
Costs Prosecution expenses you pay if found/pleading guilty	Remand Held in custody before trial or sentencing
Culpability Level of blame or fault attributed to you	RUI Released Under Investigation — police still enquiring
Disclosure Evidence prosecution must share with you before trial	Summary Only Least serious — magistrates' court only
District Judge Legally trained judge in the magistrates' court	Surcharge Victim tax added to fine or sentence
Duty Solicitor Free lawyer at court for your first hearing	Verdict Decision of guilty or not guilty
Either Way Offence triable in magistrates' or Crown Court	Youth Court Separate court for defendants under 18