



# What happens at a Crown Court trial - An introduction.

This fact-sheet is intended as an overview to the preliminary issues that you should know about in preparation for your Crown Court trial.

Please note that in the Crown Court, you can be represented by either a solicitor advocate or by a barrister. Remember, this is your choice. It is important that you have confidence in the person who is representing you and whether it is a solicitor advocate or a barrister, that they have sufficient experience to represent you. For the purpose of this fact-sheet we will refer only to a barrister to avoid repetition.

## What do I call the Judge?

Your Honour.

## What should I wear?

There is no hard and fast rule. Dress smartly. If you turn up in your ripped jeans the jury may think you are not taking your case very seriously and this won't impress them.

## **Can my family and friends come to support me?**

Yes. Unless you are intending to call them as a witness they can sit in the public gallery and watch your trial. If you are intending to call one or more of them as a witness they will have to wait outside the courtroom until they have given their evidence. Generally speaking it is a good idea for the jury to see that you have people who are willing to stand by you and support you.

If members of your friends and family are coming to support you, please make sure that they are quiet throughout your case and do not shout out and make comments. This will not help you. They must not approach any members of the jury to discuss you or your case or attempt to speak to any prosecution witnesses.

Finally, make sure that if members of your family or friends are watching your trial, they turn their mobile phones off!

## **If I am convicted is there a risk I could be sent to prison immediately?**

Yes however this depends entirely upon what you have been convicted of, your previous convictions and your personal circumstances. This is something you should speak to your solicitor about before your trial. Whilst it can be tempting to bury your head in the sand about this, it is much better for you to be prepared.

If you are convicted and if the Judge gives you an immediate custodial sentence you will be taken straight to the cells. If you have been advised that this is a possibility, you should come prepared with a bag having already sorted out your personal affairs.

## **Who will deal with my trial in the Crown Court?**

At the Crown Court your trial will be dealt with by a Judge and Jury. The Judge decides on matters of law (for example, is evidence admissible?) and manages your trial, ensuring that it is run fairly and properly. The jury decides on matters of fact (for example, have you done what the prosecution say you have done and are you guilty?).

Any questions of law will be dealt with by the Judge in the absence of the jury so that your case will not be prejudiced by any matters raised, for example, legal argument about whether your previous convictions be admitted? It is only once the Judge has decided that a piece of evidence is admissible that the jury will hear of it.

## **What is a jury?**

A jury is a group of 12 members of the public whose job is to try you on the evidence.

## **How is the jury chosen?**

At the start of your trial approximately 15 or so potential jurors will be called into the courtroom and asked to sit at the back. The name of each juror will be placed into a bag and 12 names selected randomly by the court clerk. As each name is read out, the juror will go and sit in the jury box until all 12 have been chosen. The jury box is usually positioned at the side of the court.

## **Can I object to any members of the jury?**

Only in very limited circumstances, if for example one of them is known to you or connected to you. You can't object just because you don't like the look of them or would prefer more men, or women, or a broader ethnic selection.

## **Is my trial guaranteed to go ahead on the day it has been listed?**

Your trial will either be entered into what is called the warned list for trial, or will be given a fixed date. The warned list means that for a specified week your trial may be called on if there is court time and space available. If your case not called on it will either go into a later warned list or be given a new fixed trial date. If your case is placed in a warned list for trial it is important you stay in touch with your solicitor as you will not be notified about whether your case has been listed until approximately 4pm the day before your trial is listed.

In some courts, such as Lewes Crown Court, your trial could be dealt with at one of multiple court venues and therefore even if you have been given a fixed date to attend your trial it is still important that you contact your solicitors the afternoon before to check your final listing time and venue. This is your responsibility.

If your trial has been given a fixed date then in most cases it will proceed on that day unless either the prosecution or defence make a successful application to vacate your trial or there is insufficient court space, for example, if a previous trial has overrun.

## **What happens if I don't attend for my trial?**

The presumption is that it will go ahead in your absence and subject to the prosecution proving the case to the requisite standard i.e satisfying the jury so that they are sure; you could be convicted in your absence. If you have legal representation in some cases your barrister can stay at court for the trial and cross examine the witnesses on your behalf but they are unable to do so if they don't have sufficient instructions from you about your case. Your barrister can't give evidence for you or read out a statement of your evidence on your behalf. If you don't attend your trial you will therefore be deprived the opportunity of giving evidence in your defence.

It is also likely that the court would issue a warrant without bail for your arrest. This means that you would then be at risk of being arrested for failing to answer court bail, kept in a police cell waiting to be brought before the first available court.

Failing to answer Court bail without reasonable excuse is a separate offence, the maximum sentence for which in the Crown Court is a twelve month custodial sentence.

## **What happens if I am ill?**

If you are unable to attend because, for example, you are ill, a medical certificate is required that specifically states that you are not fit to attend court, why and for how long. Please remember that a medical certificate simply saying you are unfit to attend work is not accepted by the court. Please make sure that you make it clear to your doctor why you need the certificate and the certificate specifically says you are unfit to attend court.

If the court accepts you have a genuine reason for not attending court your trial will not go ahead in your absence but will be adjourned to a new trial date.

It is crucial that you stay in contact with your solicitors so that they can contact your barrister at court who will be trying to persuade the Judge not to proceed in your absence and/or issue a warrant.

## **Am I too late to change my mind and plead guilty?**

No. You can change your plea at any time, either at the beginning of your trial or during it. The consequence of doing so is that any credit you could have expected to receive for a guilty plea is substantially reduced if entered at a very late stage. In most cases you will only be entitled to a 1/10<sup>th</sup> discount in sentence if you plead guilty on the day of trial and if you wait until the witnesses have given evidence and then plead guilty, it is unlikely that you will be afforded any credit at all.

Credit is given to any defendant who pleads guilty and especially those who do so at an early stage. The earlier you plead guilty the more credit you can expect to receive. If you delay your plea of guilty until the morning of the trial, you will have caused the victim to attend court, unnecessarily delayed the conclusion of your case and put the tax payer to the expense of paying for the process. These are all reasons for the Judge to reduce the discount in your sentence.

If you are thinking of changing your plea you should speak to your solicitor about this immediately as it is generally advisable to notify the court and the prosecution of your change of plea as soon as possible.

### **What happens at the beginning of my trial?**

You will be asked to go and sit in the dock. The dock is either at the side of the court or at the back. The usher will guide you. You will be searched by the dock officer. When the Judge enters the courtroom you should stand until you have been asked to sit down. The court clerk will ask you for your name and address. You will also be asked whether you are maintaining your not guilty plea?

### **What happens next?**

The jury is sworn in. Before your trial starts each member of the jury is required to take an oath or to affirm. Whichever they choose they are promising to try you faithfully and fairly on the evidence. You will then be identified to the jury and your charge read out to them.

The Judge will then speak to the Jury and give them a number of directions about their role and responsibilities, for example, they must not discuss your case unless with their fellow jurors in the jury room and they must not conduct their own independent research about your case.

## **Who goes first, the prosecution or defence?**

The prosecution case is always dealt with first. Your case will be dealt with at the conclusion of the prosecution case. If you are jointly charged with another then your case may be dealt with after your co-defendant or vice versa.

## **How will the evidence be heard?**

In a number of ways, for example:

- A witness may attend court to give live evidence.
- A witness's evidence may be agreed and read to the court.
- CCTV or video evidence may be played to the court, for example footage of the incident.
- Audio evidence can be played to the court, for example a recording of the victim's 999 call to the police.
- Your police interview tape recording may be played to the court or a transcript of it read.
- Documents may be agreed and read to the Court.
- Admissions may be agreed between you/your barrister and the prosecutor and they are read to the court as facts agreed by both the prosecution and the defence.

**For information about what happens at my Crown Court trial – The prosecution case, please see our separate factsheet.**