


Going to court



A guide to the court case
and giving evidence

If the Crown Prosecution Service (CPS) advises that the suspect should be charged, the first stage will be 'heard' at a Magistrates' Court. The suspect, who will, after charge, be referred to as 'the defendant,' will have to attend. You won't need to attend at this stage, unless you want to. It is helpful to have an Independent Sexual Violence Advisor (ISVA) to support you through the criminal proceedings.

Early Court Stage

The **Magistrates' Court** may refer the case to **Crown Court**. Alternatively, they may decide to keep the case in the Magistrates' Court and the defendant will be asked whether he/she wishes to plead guilty or not guilty. If the case is transferred to the Crown Court, the first hearing will be the Plea and Trial Preparation Hearing, (PTPH). This is where the defendant enters a plea of either guilty or not guilty. Whether in the Magistrates' Court or Crown Court, if the defendant pleads guilty, a date will be set for the sentencing hearing. If they plead not guilty, a date will be set for the trial. Both courts may make decisions about the defendant's bail.



Preparing for Court - Special Measures

We understand that preparing to attend court for a trial can be a very anxious time. Special measures are steps taken to help survivors and witnesses to give their best evidence and to help to relieve some of the stress associated with giving evidence. **Special measures** should be tailored to the person's particular needs.

They can include:

- Giving evidence in court from behind a screen
- Giving evidence from outside the courtroom via live video link
- Video recording your statement to be played in court
- The removal of wigs and gowns by judges and lawyers
- The assistance of a Registered Intermediary to help you to understand the questions you are being asked.

Your **Independent Sexual Violence Advisor (ISVA)** will be able to provide support and advocacy before, during and after the trial. Before the trial, you'll be offered a pre-court visit. These are usually arranged outside normal court hours and your ISVA can attend with you. This gives you the chance to see the courtroom and understand the court surroundings. You can also watch your video recorded interview back or re-read your statement.

The ISVA, Police and the **Crown Prosecution Service** will talk to you about special measures that you might want in place to assist you when giving evidence and they can apply to the court for these.

Arriving at Court

The **witness care team** will arrange for you to enter the court from a private entrance, so you do not come into contact with the defendant. They will also arrange somewhere you can wait with anyone supporting you, like your ISVA, a family member or a friend.

The **Prosecution lawyer** will come and meet you. They will explain the trial process and answer any questions you might have about what you will be asked to do in court. They will also be able to tell you in what way the defendant is contesting the charge; for example, they may be denying that they ever had sex with you. The lawyer cannot discuss the evidence with you, as this could impact on the fairness of the trial.

The courts will try and make your wait as short as possible, as they understand the sensitivity surrounding the case, but short delays are common. If there is going to be a significant delay, you should be updated about this by the **Senior Crown Prosecutor** (lawyer), or another person acting on their behalf.

The Trial

Before anyone goes into the courtroom, the **jury** will be selected and 'sworn in'. The court will have a **public gallery**. The trial will start with an **opening speech**. You will usually be the first person to give evidence. After you have completed your evidence, you have the option of sitting in the courtroom for the rest of the trial.

If you attend court as a survivor or witness, it is against the law for the media to use your name or give details that would make it clear who you are.

Giving Evidence

Before giving evidence, you will need to either swear on a holy book or 'affirm' that you will tell the truth. This happens in every courtroom and in every case.

If you gave a video statement, the CPS may play this as your evidence. If you gave a written statement, the Senior Crown Prosecutor (lawyer) will ask you questions. This will help you explain what happened, as you can't read from your written statement. Whether the video is played or you answer the lawyer's questions, this is called your **Evidence in Chief**.

The Senior Crown Prosecutor (lawyer) is not allowed to ask you leading questions. Don't feel rushed to answer. If you can't remember or don't know the answer, just say so. It's important to be honest at all times. If you think the answer is in your statement then ask the Senior Crown Prosecutor (lawyer) if you can read that part of your statement to remind yourself.

The **defence lawyer** will also question you; this is called cross-examination. They might ask questions to try and make you look untruthful or unreliable. They are not allowed to ask any questions intended to insult, degrade or annoy you. The Senior Crown Prosecutor (lawyer) or barrister representing the CPS may also step in if they feel the questions are unfair. As with any question, take your time, and don't feel pressured or rushed into responding.

Witnesses

After you have given your evidence, the prosecution will then call any other witnesses that have been asked to attend. They might include people you told about the sexual offence or someone who saw what happened.

The Defendant's Evidence

Once the Crown Prosecution Service has presented all of its evidence, the defendant will give their evidence if they want to; they do not have to give evidence at all if they don't want to. They can then call any witnesses for the defence.

Closing Statements and Summing Up

Once the defence has finished calling their evidence, both the Senior Crown Prosecutor and defence lawyers will give **closing statements**.

The **judge** will then summarise the case for the **jury**, clarifying any legal points. Often they will give directions to the jury about the **standard of proof**. They will also remind the jury to deal with the case without prejudice.

The Verdict

When the jury return, their verdict will either be 'guilty' or 'not guilty' for each offence that the defendant was **charged** with. If the verdict is 'not guilty' that doesn't mean the jury don't believe you. It means the prosecution couldn't prove (beyond reasonable doubt) that the defendant was guilty. Whatever the verdict, your **right to anonymity** remains in place.

Sentencing

If the verdict is 'guilty', the judge will sentence the defendant. Sentencing sometimes takes place on the same day and sometimes takes place at a later date. Your witness care officer or ISVA will tell you when this will be, and you are welcome to attend the sentencing court date.

If the court imposes a sentence, you will also have the option to submit a statement telling the court the impact the sexual offence has had on your life. For some people, this can provide some closure as it allows you to give a direct message to the defendant. You can either read this yourself or someone can read it on your behalf, like the Senior Crown Prosecutor (lawyer).

If the sentence is longer than 12 months you can join the **Victim Contact Scheme** to receive further information and updates throughout the sentence.

What will the sentence be?

Sentences vary dependant on the circumstances; no one can tell you the exact sentence that the defendant will receive as this is a matter for the Court, but the Senior Crown Prosecutor (lawyer) can explain the range of sentences available.

Can the defendant be tried again if they are found not guilty?

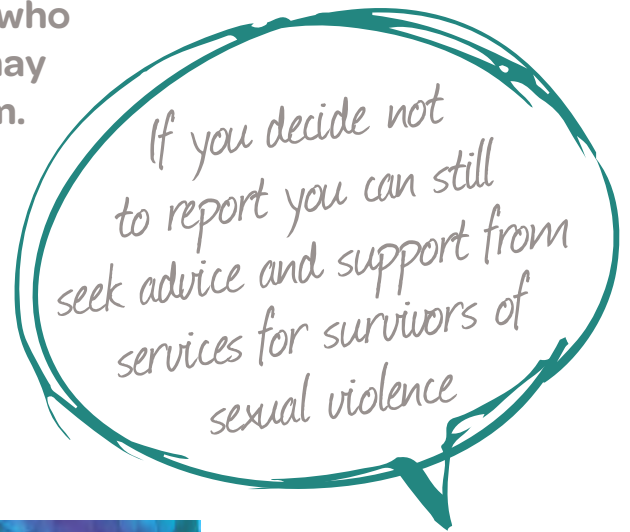
Only in exceptional circumstances, when new and compelling evidence comes to light. Generally, if the defendant has been found not guilty, they can't face a trial for the same offence again.

How long will this all take?

It's not possible to say exactly how long the whole case will take to conclude, but the Police and your ISVA will keep you updated and guide you through the process.

In Nottingham there are specialist sexual violence support organisations, who support people who have experienced sexual violence and you may benefit from making contact with one of them.

Some people choose not to report an offence to the Police and that is entirely your choice.



Topaz Centre
- Sexual Assault Referral Centre (SARC)

24hr Helpline Number: 0800 085 9993

www.topazcentre.org



Nottinghamshire Sexual Violence Support Services (Notts SVS Services)

0115 947 0064

www.nottssvss.org.uk



Nottinghamshire Police

Emergency Number: **999**

Non Emergency Number: **101**

www.nottinghamshire.police.uk



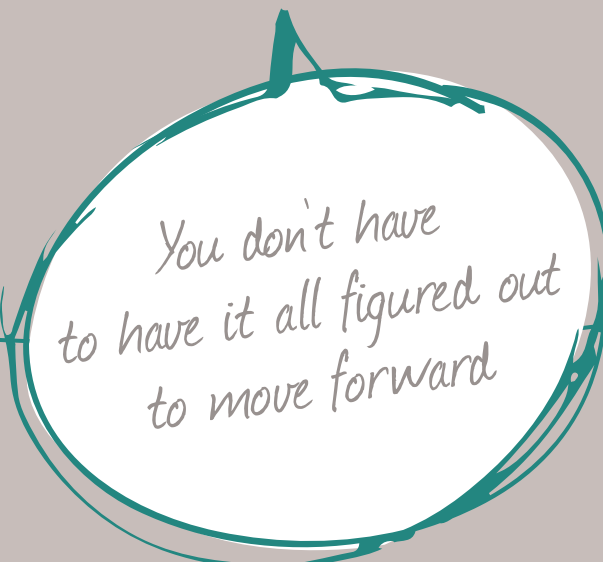
NOTTINGHAMSHIRE
POLICE
PROUD TO SERVE

Nottingham and Nottinghamshire's 24 Hour Domestic & Sexual Violence Helpline

0808 800 0340

www.junowomensaid.org.uk





You don't have
to have it all figured out
to move forward

Please feel free to visit the Consent Coalition website
for more information and support nottssvss.org.uk/consent-coalition/

