Going to Court

An easy read guide

People First (Scotland)

Supporting Offenders with Learning Disabilities Network

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About this guide

This guide is for people who are going to Court because they have been charged with a crime.

That means the police arrested you because they think you have done something wrong.

If you want to know about different types of crimes look at our "Is it a crime?" easy read guide.

If you want to know about being arrested look at our easy read "Arrest" guide.

BIG words

Important words to remember

Citation: the citation is the letter that the Crown Office and Procurator Fiscal Service (COPFS) will send you if you have been accused of a crime.

This citation letter tells important things like:

- what you are being charged with
- which Court will deal with your case
- the date for your Court proceedings

Crown Office and Procurator Fiscal Service (COPFS): In Scotland COPFS investigate and prosecute crimes.

Defendant: it is the person accused of a crime.

Evidence: anything that can support the case. It could be things like photos, videos, DNA, fingerprints, clothing, eyewitness, etc.

High Court: the High Court deals with the most serious cases like murder and rape.

Justice of the Peace: Justices of the Peace deal with low level offences like a speeding offence.

Plea hearing: In Court it is when the defendant says if they want to plead guilty or not guilty.

Procurator Fiscal: a lawyer working for the Crown Office and Procurator Fiscal Service (COPFS).

Sentence: It is the punishment that a Judge or Sheriff gives to the person convicted of a crime.

Sheriff: Sheriffs deal with most cases like anti-social behavior.

Sheriff's Clerk: it is a someone who helps the Sheriff with administrative duties.

Solicitor: a lawyer who can help you when you are speaking to the police.

Special measures: measures that the Court takes to help vulnerable witnesses give their evidence in Court.

Supporter: it is someone like a friend or a parent who can come to Court with you to support you.

Verdict: It is the decision that a judge or a jury gives at the end of the trial.

Witness: someone involved in or who saw something to do with the crime.

In this guide, all the words in **bold** are important words to remember.

Courts in Scotland

There are 3 criminal courts in Scotland. The **Procurator Fiscal** decides which Court you go to.

1. The **Justice of the Peace** Court deals with low level crimes.

They can sentence you to up to 60 days (2 months) in prison or a fine of up to £2,500.

Justices of the Peace deal with low level crimes like:

- Speeding
- careless driving
- breach of the peace

2. The **Sheriff** Court deals with most criminal cases.

They can sentence you to up to five years in prison or a fine of any amount.

Sheriffs deal with crimes like:

- Debt
- bankruptcy (when someone does not have the money to pay their debts)
- anti-social behaviour

3. The High Court deals with the most serious cases.

High Court judges can sentence you for as long as they think it is right.

There is no limit to the amount of the fine they can give you.

High courts judges deal with crimes like:

- Murder
- rape

Getting a solicitor

Before you go to court it is important you get a **solicitor** to help you.

A solicitor is a lawyer who can help you when you are speaking to the police.

They can give you advice and speak for you in Court.

If you do not have money to pay for a solicitor, you can still get help to pay for the solicitor.

This is called legal aid.

It can help to have someone with you when you meet your solicitor.

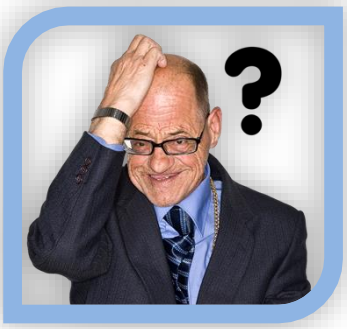
They can help you remember important things the solicitor tells you.

Always tell your solicitor about your learning difficulty and any support needs you have.

They may be able to make changes to what happens in Court.

These can be things like getting more time or extra breaks. These are called **special measures**.

It is ok to ask your solicitor to explain what will happen next.



You will get a letter telling you when you need to go to Court. It is called a **citation**.

Tell your solicitor you have received the letter as soon as you can.

Special Measures

Judges and Sheriffs can put in place special measures for vulnerable people.

Your solicitor can tell the Court about your needs and ask for special measures.

Special measures can be things like:

- getting more time
- not going on too long
- having extra breaks
- being behind a screen in Court or using a video link

Special measures means you may also be able to have a **supporter** with you in Court.

Supporters are NOT allowed to speak.

Bringing a supporter to Court

It is good to take someone with you when you go to Court.

You must tell your solicitor if you would like to take someone with you to support you in Court.

The supporter could be:

- a friend
- someone from your family
- a colleague

The supporter can't speak on your behalf.

But, a supporter can:

- sit beside or behind you in Court
- give you moral support
- help you to manage your Court papers
- take notes for you in Court

The supporter does not need to be a lawyer or know about the law.

Going to Court

DO:

- Always go to Court when you have been told to.
- Arrive in good time for your case. You may require to go through metal detectors and/ or security when entering the building.
- Dress as smartly as you can for Court.

  It shows you are taking it seriously.

- Follow carefully any guidance or instructions given to you by Court staff and be polite with the judge, sheriff and staff members.

Switch off your mobile phone before entering the courtroom and keep it switched off.

Tell your solicitor and the Court as soon as possible if there is an emergency that stops you from going to Court.

If you do not go to Court when you should, you can be arrested.

DO NOT:

Go to Court if you have taken drugs or alcohol.

make audio or video recordings or take photographs in the courtroom, unless the Court says it's ok.

eat or drink in the courtroom.

bring dogs or any other pets. You are only allowed to bring a guide dog or a hearing dog into the Court building.

Remember, it is good to take someone to support you in Court.

Most Court buildings have more than one courtroom inside.

Ask at reception if you are not sure where to go.

Your solicitor will meet you at the courtroom.

If you need help to come to Court, you should tell your solicitor who can make sure that arrangements are in place if, for example, you:

- are a wheelchair user.

- have a learning disability.

- have difficulty seeing or hearing.

- have a medical condition that means you need to take something during the trial.

- need an interpreter for another language, including BSL.

In the Court room

This is a Sheriff's Court. They all look a little different but work in the same way.

Who is in the Court?

The Sheriff

The Sheriff is the judge in the sheriff Court. Sheriffs wear a black gown and a wig in Court.

They are in charge of what happens in the Court.

They sit at the front of the Court. This is called the 'bench'.

They make decisions about your case.

If the Sheriff is a man you should call them ‘my lord’.

If the Sheriff is a woman you should call them ‘my lady’.

The Sheriff Clerk

A Sheriff clerk is a person who works in a sheriff's Court in Scotland.

They help the Sheriff with administrative tasks and keep records of Court proceedings.

The witness box

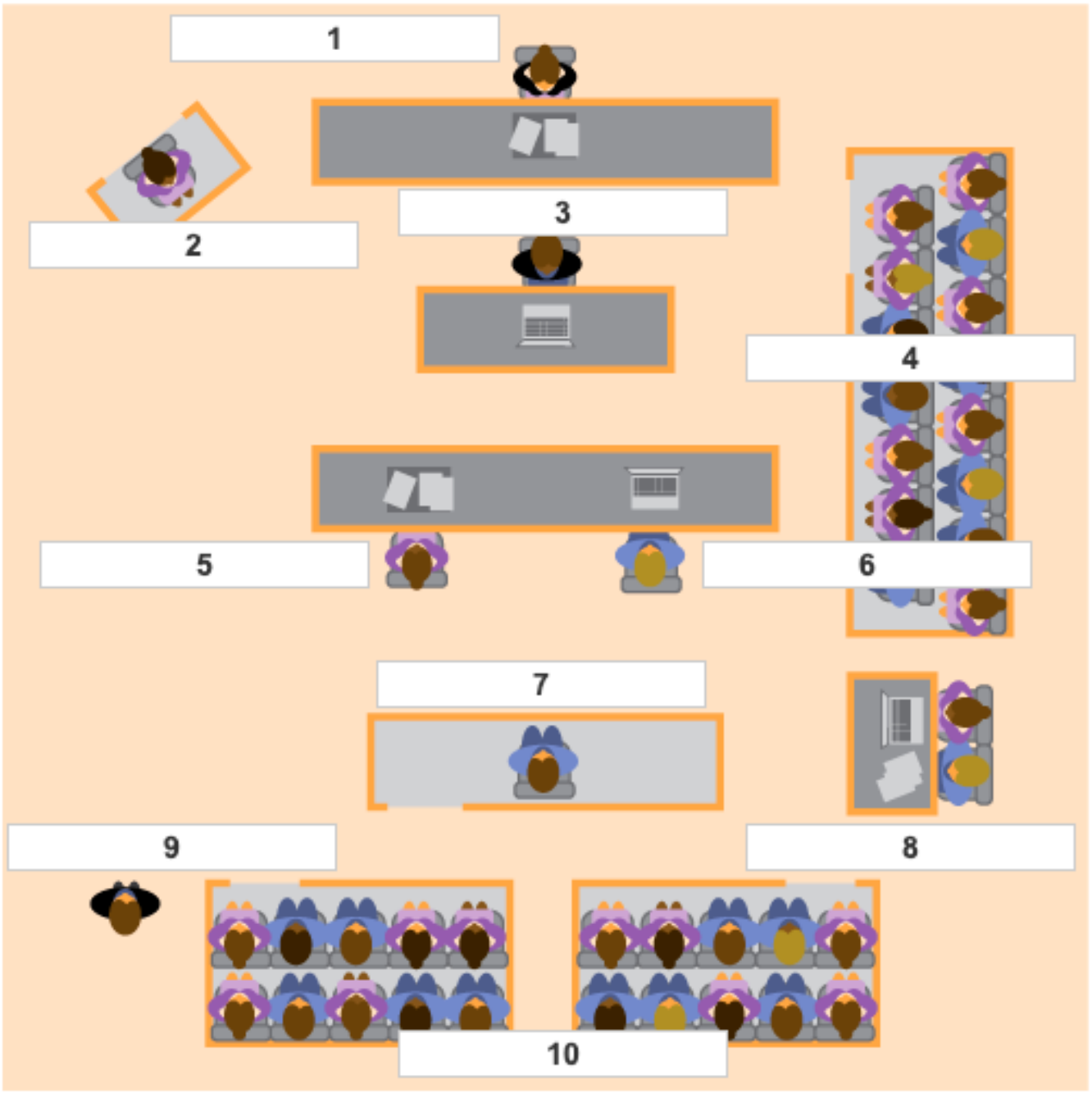
The witness box is also called a Stand. This where witnesses give their evidence to the Court.

Defence

The Defence is the solicitor for the person accused of a crime. Their job is to defend the accused.

Prosecution

In a Sheriff's Court, the local Procurator Fiscal is the person who gives the Court all the evidence against the person accused of a crime.



1 Judge
2 Witness
3 Court Clerk
4Jury
5 Procurator fiscal
6 Defence's solicitor
7 Accused
8 Press
9 Court Usher
10 Public seats

What happens in a Court Case?

There will be a **plea hearing** first.

This means the charges are read out.

You are asked to plead guilty if you DID it.

Or, you are asked to plead Not guilty if you DIDN'T do it.

If you plead guilty the Court will decide on a sentence for you.

If you plead not guilty a date is set for the trial.

Trial

If your case goes to trial, a Judge, a Sheriff, a Justice of the Peace or a jury (depending on which court deals with the case) will hear all the evidence and will make a decision about whether an accused person is guilty or not.

That decision is called a **verdict**.

Sentence

It is the punishment that a judge or Sheriff gives to the person convicted of a crime.

Punishment could be something like a fine, going to prison or both.

USEFUL CONTACTS

IF YOU ARE A VICTIM OF A CRIME YOU SHOULD REPORT IT TO THE POLICE

CALL 999 IF IT IS AN EMERGENCY LIKE YOUR LIFE OR SOMEONE'S ELSE IS IN DANGER.

CALL 101 IF IT IS NOT AN EMERGENCY

Find a Solicitor (The law Society Scotland)	0131 226 7411	https://www.lawscot.org.uk/find-a-solicitor/
(Scottish Legal Aid Board)	0131 226 7061	https://www.slab.org.uk/new-to-legal-aid/find-a-solicitor/
Police Scotland		
Emergency call	999	http://www.scotland.police.uk/
Not an emergency call	101	
Complain against Police Scotland	101	
Supporting Offenders with Learning Disabilities Network	0131 663 4444	https://soldnetwork.org.uk/

People First (Scotland)	0131 478 7707	http://peoplefirstscotland.org/
Victim Support Scotland	0345 603 9213	https://www.victimsupportsco.org.uk/
Samaritans	116 123	http://www.samaritans.org/how-we-can-help-you
Other easy read information about the justice system		http://www.keyring.org/cjs/easy-read

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