

AFFECT Attending Court

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Introduction

This booklet is a condensed version of “AFFECT Everyone’s Guide to the English Criminal Courts.” It is hoped that by putting it into a small handbook formation that it can be carried in a handbag or pocket. It will not take away the trauma of attending court but it should smooth the passage over the everyday little things that are so easy to forget at such a time. It has already been proved to be invaluable to many; either attending for the first time or supporting another.

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The courts

There are two types of Court where criminal offences are concerned, the Magistrates' Court and the Crown Court. A trial will take place in the Crown court, not every Crown Court is equipped to try a case of murder. The very first hearing after a man is arrested, regardless of crime is heard in a Magistrates' Court.

There are a number of Magistrates' Court Appearances for the Defendant prior to the Trial at the Crown Court.

Magistrates Court.

On the first occasion the Defendant is presented before the Magistrate. The charge is read out, the terms of BAIL are set or the Prisoner is "REMANDED ON BAIL " Where a serious offence is involved, it is more usual for the Defendant to be REMANDED IN PRISON.

The subsequent appearances at Court are to ensure that the Bail conditions are being maintained OR the Prisoner is 'shown' to the Magistrate and Public. Traditionally this is to show that the Prisoner is still alive and well while in prison, this is an old custom that dates back hundreds of years.

The last time the accused appears in the Magistrates' Court is when he is COMMITTED FOR TRIAL, this is called the Committal hearing. This hearing happens when The Crown Prosecution have

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completed their investigations and are ready to present their case. The case now takes its place on the 'LISTS' for the Trial at Crown Court

On occasion there is an '**Old Style Committal**', this is now a rarity. The Defendant's Solicitor has an opportunity to openly examine the evidence and/or witnesses that the C.P .s. will be producing at the Trial. On conclusion, the Defendant is Committed for Trial if it is considered that there is a case to answer. At this time the magistrate may dismiss the case; this is such a RARE event that I feel it necessary to advice you NOT to raise any hopes with the accused family.

There may be a few pre-trial hearing when the Judge, Crown Prosecution and Defense Prosecution agree on certain aspects of the forthcoming trial, this is to minimize the length of time that the trial will take.

REMEMBER. Every case is different.

Length of sentence

No one can accurately predict the length of sentence but out of misplaced compassion the Solicitors and Barristers may be less than honest about the length of sentence. For this reasons it is the Supporter's responsibility to try and get the family to accept a realistic sentence. At all times the reality of a lengthy sentence, even an unlimited sentence such as one under the Mental Health Act needs to be faced. A long prison sentence is so hard to accept BUT it is still more difficult if a much shorter period was anticipated. This is probably one of the toughest duties that the Supporter has to undertake.

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Getting Ready For Attending Courts and Trials

Every Trial and every Family is different. There are no set rules for what to expect at Court and there are no set rules for a Family to follow. What there is are a collection of shared experiences that fall into some sort of signposting. I am quite sure that everyone will be able to add to the following list signposts.

1. Consider the length of sentence. Keep that in sight always.

2. Patience is needed while a waiting the Trial date. It is a much-dreaded date. However, when the date is 'set' there is a sort of relief that something is about to happen at last. The state of 'not knowing' is over. The trial may be brought forward or set back for a number of reasons. Families should ask the Solicitor to keep them fully informed.

3. Does the Person/Family plan to attend the Trial?

Support, encouragement and information should help them come to a decision; only by attending is the whole truth understood, not all families feel that they wish to attend, there is no shame in this.

4. A **DUMMY-RUN** of the journey, car-parking, Court Location, stations, buses, Taxis etc. If possible it is NOT advised that the family travel on public transport on the final day, this is to minimize contact with the press.

The dummy run is a most constructive activity when planning Court attendance.

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a. This is the time to explore the Court Building. Where are the LISTS published detailing which Court Room each case will be heard? In most Courts the day's List will be inside: BUT not at the Old Bailey, there the Lists are displayed on an outside wall by the road for all to read! and. To see who is reading them!

b. One of the first things to do on entering the Court is to make oneself known to the Court Witness Support Representative; they can explain many Court Procedures. You can be shown a Court: (think about sitting in the Public Gallery and listening to a case that is on). Ask if a private room or safe place can be provided, during the Trial. so that there may be a degree of privacy; a place of Sanctuary.

c. Where is there to eat? Is there a cafeteria or are you going to bring a flask and sandwiches?

Locate the toilets.

REMEMBER keep voices down in the loos, the Press or the Victim's Family may be using another cubicle.

d. Find out if there is a rear entrance this may be necessary if quick exit is needed to avoid the Press or others attempting to intercept the accused family. Be prepared to ask for a police escort if you feel it necessary. Where there is high profile it may be helpful to talk. with the Police beforehand. There are some Police who are very caring towards the Defendants Family.

5. Solicitor. Tell him who will be or not be attending the Trial. Ask if his legal team will help with understanding: the complexities of the case. It may be easier to put this in writing. Most do try to be helpful. Victim's and Defendant's Families are not expected to understand all the

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proceedings This is a “one off” for most people but normal and everyday for Lawyers and Solicitors.

6. **CHILD-CARE.** Plan well in advance. Make sure that there are substitute carers incase of illness. If it is a husband on trial the wife will be desperate if she can-not attend one day! Prepare menus for the weekends also. There is a terrible exhaustion that goes with attending a trial; few feel like “chief cook and bottle washer’ at this time.

What happens if the Trial LASTS LONGER than expected? PLAN-PLAN-PLAN well ahead, believe me you will not be up to it. On top of the trial. The only thing you will wish to dwell on will be your loved one on trial.

7. Plan what clothes to wear clothes.

Traveling could be some distance and in all weathers.

Are shoes comfortable for such a long day?

Is your hair easy to do and keep tidy?

Do you have a suitable bag for what you need to take?

Remember!! !!! Clothes may have to be taken to Court for the Defendant daily. Have you been able to provide the clothes that the Defendant wants/needs? Are they ready? Where and when do they need to be handed in?

8. Consider asking the Family Doctor for a sick-note. Most people find that it is impossible for them to continue working while their loved one is on Trial. You are not Super-man. Take care of yourself.

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9. **FINANCIAL PLANNING** early on can really help avoid serious problems if not disaster. Having a Family Member in prison is expensive but having to take time off work for what may be a long trial can be financially crippling. We all do it! Nothing must stand in the way of supporting the precious, loved one who has place themselves at such hazard.

PLAN , PLAN , PLAN . Everyone does go on living after the trial somehow! Sick leave and holiday periods should help, somewhat. At such a desperately unhappy time planning is an incredibly difficult thing to do. The Supporter could offer to make enquiries on behalf of the Family and where possible do the dummy-run with them. This should encourage them to do some planning themselves.

Check list prior to attending Court

1. It is advised that all the suggestions on the list are complied with: Find where the nearest Car parking to the Court is, and the price of a day's parking. The last thing you want to do is come back to a parking fine or to find the car clamped.
2. Full tank of petrol.
3. Tissues (there will be tears.)
4. Glucose tablets or small sweets (no wrappers) to sustain energy throughout the trial.
5. Notebook and pencils.
6. Medication if necessary.
7. Lose change for both car park and light refreshments, though it is advised that a flask of drink and some sandwiches be taken. (these articles will be checked as you enter the building.

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8. Layout of Court, locate possible back entrances.
9. Establish which Court the Trial is going to be held in, lists are usually in foray of the Court building, though at the Bailey they are on the wall outside in the street..
10. Introduce oneself and family to Witness support and endeavour to get a private room for family privacy.
11. REMEMBER the public gallery is based on a “first come, first served basis”. The gallery is normally opened ten minutes before a trial starts both am. and pm. It is vitally important for someone to hold the place for the family. Always bear in mind that there is no separation between the victim’s and the accused ‘s family, you all queue up together.
12. Stay together as a group wherever possible.
13. List of family phone numbers in case they need to be notified.
14. Clothes can be taken in for the Defendant, it is necessary to get to the Court early to hand these in to the gaoler; they have to be collected at the end of each day.
15. Be prepared for the worst a “Guilty verdict”, how you will cope with it and how best to help the family.

The Public Gallery

The public gallery is open to all, seats are allotted on a first come first served basis. The gallery is normally unlocked about ten minutes before the Court is due to sit so it is important to be near the front of the queue. Bear in mind that there is no separation between the relatives of the accused or those of the defendant. It is possible for the

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mothers of both sides to be stood next door to each other; calm composure, although difficult is essential; with care it is possible to minimize the risk of such a thing happening.

Order of Trial

The Prosecution will outline the case against the accused, at this stage you will hear no good spoken of the accused it is important to warn the relatives that this is the case. The prosecution, plus their witnesses can take up the first few days of the trial.

The Defense then puts to the jury evidence that may prove his client “not guilty”. The picture of the accused takes on a very different aspect.

Closing speeches

Usually the Prosecution barrister makes his closing speech then the Defense barrister makes his speech. Finally the Judge sums up giving an outline of all the evidence and any points of law that he feels the jury needs to know about. He is meant to be impartial, it is the jury who reach the verdict.

The Jury's out

Final day, “the Jury's out”, these hours can prove to be a long and tortuous wait for the family. You will have to be guided by the family as to how they want to cope during the “long weight.” It is advised that you do not leave the Court buildings during this time. Most Courts have a loudspeaker system and an announcement will be put out just prior to the court reassembling. But not all Courts do this, in some it is necessary to stay close to the Court doors to see when the barristers

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return to the Court. The return of the jury does not necessarily mean that a verdict has been reached, sometimes the jurors return to Court to take further instruction from the judge. Initial he will want a unanimous verdict. After a suitable length of time the jury may be recalled. If the judge establishes that the jury are not going to bring in a unanimous verdict then the judge maybe prepared to accept a 10 to 2 verdict, and he will instruct the jury of this decision.

Check-List for First day of Trial

- b. Items to take each day.
- c. Defendant's clothes.
- d. Full tank of petrol.
- e. Money for car-park, fares, food, drinks.
- f. Tissues.
- g. Note-book and pens (get a Friend to write as much down as possible in Court).
- h. MEDICATION.
- i. Writing paper and envelopes for sending notes to the Barrister, you may be prompted into remembering a vital bit of evidence. It is too late after the trial!
- j. Some Solicitors are able to find money for a Family to attend the Court and also to go towards the Defendant's clothes. It is well worth the Family asking.
- k. Plan what clothes to wear clothes.
- l. Travelling could be far and in all weathers. Are shoes comfortable for such a long day? Is you hair easy to do and keep tidy? Do you have a suitable bag for what you need to take?

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- m. Clothes may have to be taken to Court, for the Defendant. daily. Find out which clothes the Defendant wants/needs? Are they ready? Where and when do they need to be handed in?
- n. Consider asking the Family Doctor for a sick-note. Most people find that it is impossible for them to continue working while their loved one is on Trial.
- o. You are not Super-man. Take care of yourself.
- p. FINANCIAL PLANNING early on can really help avoid serious problems. Having a Family Member in prison is expensive but having to take time off work for what may be long trial can be financially crippling. We all do it! Nothing must stand in the way of supporting the precious, loved one who has place themselves at such hazard.
- q. PLAN, PLAN, PLAN.
- r. At such a desperately unhappy time planning is an incredibly difficult thing to do. The Supporter could offer to make enquiries on behalf of the Family and where possible do the dummy-run with them.
- v. Stay together in a Group where-ever possible.
- w. DEFENDANT may not be allowed visitors during the Trial. ie: weekends only. At some Courts there are facilities for visiting at the end of each day.

Consolidation of ideas

A.F.F.E.C.T. member/s will be present with a family of a “loved one” accused of a serious offence at Court where ever possible, either when the family itself, Probation, Witness Support or other organisation requests us to be. Support maybe be necessary from the time of the

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first Magistrates hearing up until the Trial itself, at other times it may just be for the Trial

Good Practice

As a matter of good practice it is recommended that the A.F.F.E.C.T. member reads the booklet on “Attending Court”. A checklist should be made for your particular case. It is essential, but not always possible to get to know the family as much as possible prior to the trial. A.F.F.E.C.T. hopes to have the finances to pay “out of pocket” expenses for the supporters and help the family where there is real financial hardship

Procedure

Wherever possible supporters ought to work in pairs for their own safety and support of each other. (Many supporters will have themselves been through a high profile case involving a family member of their own, this can not help but trigger ghosts from their own past.) Counselling should be made available through A.F.F.E.C.T. for supporters after the trial is over.

Standards

- a. A high standard of dress should be maintained, but dress should be “low key”.
- b. Comfortable shoes need to be worn.
- c. Behave quietly.
- d. Where it is felt necessary the A.F.F.E.C.T. supporter may wear their A.F.F.E.C.T. badge, it is wise to have your identity available in case asked for it.

Priorities

Personal safety and that of the family that is being supported is paramount. Thought and planning need to be undertaken before the

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trial. We can not take away this terrible ordeal from the family but we can make certain that things run as smoothly as possible by taking away that the family will go through but the minutia and everyday planning needs to go as smoothly as possible. Plan, Plan, plan, that is the job of the supporters.

Everything that is heard in open Court is also available to the general public, but the way the family responds to such knowledge is confidential between yourself and the family and must be treated with the utmost confidentiality.

The Press

A press statement needs to be prepared in advance, The A.F.F.E.C.T member may need to be the one who reads this to the press; therefore the media may identify this person. It is advised that names are NOT given, just that of the organisation and what we stand for. The family must decide whether they wish to make a statement or have one read out on their behalf.

Many families have found that a pair of dark glasses, a headscarf or an anorak with a hood can prove useful to hide behind. Do not travel on public transport on the last day of a high profile trial; try and get someone to drive you or pay for a taxi to at least get you a few miles away.

If you are genuinely afraid of media intrusion ask for the police to escort you to your vehicle, from here you can probably safely go on using public transport. **Make your plans beforehand so that you are not caught out.**

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nevertheless, donations are appreciated [www.affected.org.uk/about/funding.htm].