

- you have difficulty getting into or around court
- you think you may need support to help you give your evidence.

Please tell VIA if you have any concerns or specific needs. We will discuss what support may be available, and make sure that the fiscal and the court are aware of these issues.

Sentence

Once an accused pleads or is found guilty, you may hear them referred to as “the offender”.

The Judge can choose what sentence to give from a range of options. Some of these involve the offender going to prison, others do not.

Sometimes the Judge passes sentences immediately after the offender has pled guilty or is found guilty.

In other cases they will continue the case to a later date to obtain background information on the offender and to consider the available sentencing options.

The VIA leaflet *Information about sentences* will give you more information about how the Judge decides on a sentence and what it means. VIA will also tell you what the sentence is in the case that affects you (though you may be in court to hear this yourself).

Appeal

An offender can appeal against conviction and/or sentence. The prosecution can only appeal against sentence and only in very limited circumstances.

An offender may be released after sentence until the appeal is heard if a Judge approves what is called interim liberation. VIA will let you know if this happens.

If an appeal is made in the case that affects you, VIA will let you know. We will also send you a copy of the VIA leaflet *Information about appeals* which explains more.

Support

You may wish to contact: Victim Support Scotland which provides practical and emotional support to victims of crime. For local details contact 0845 60 39 213 during office hours or go to www.victimsupportsco.org.uk

The **Witness Service** which provides emotional and practical support to all victims and witnesses, and their family and friends, when attending court. For local Witness Service details please contact Victim Support Scotland.

VIA may also be able to put you in touch with other support organisations.

Further Information

Please contact your local VIA office at the telephone number on the enclosed letter if you would like any further information or if there is anything you are unsure about.

Alternatively contact our Enquiry Point by telephone on 01389 739557

or visit our web site at www.copfs.gov.uk

information
About High Court Procedure



Introduction

Victim Information and Advice (VIA) has given you this leaflet because you are the victim of, and/or witness to, a crime. Senior prosecution lawyers (Crown Counsel) have decided that this case should take place in the High Court. In a High Court trial, a jury (made up of 15 members of the public) decides the verdict and a Judge decides any sentence.

In High Court proceedings the accused is given an indictment (legal document) that sets out the charges against them. It also lists witnesses, and items or documents (called productions) that may be referred to during any trial.

This leaflet describes the stages of High Court procedure and tells you when witnesses may have to attend court.

About VIA

The leaflet *VIA – How we can help you* explains what VIA does and what we can do to help you.

If you do not want VIA's help, please just let us know. If you then change your mind, please contact us.

We hope this leaflet will answer some of the questions you may have. Please ask us if there is anything else that you would like to know or are unsure about.

The sections that follow explain the different stages of the court process.

Preliminary Hearing

(witnesses who might be called to give evidence during the case are asked not to attend as this could prejudice the case)

At this hearing the prosecution and the defence will tell the Judge whether they are ready for the case to go to trial. If they are, the Judge will set a date for the trial.

If they are not ready, the case will be “continued”. This means a date for another Preliminary Hearing will be set. This can happen more than once. The trial date will only be set when the prosecution and defence are fully prepared.

The accused can plead guilty at the Preliminary Hearing. If they do, the Judge may pass sentence there and then or adjourn (continue) the case to a later date.

If the accused pleads not guilty, the Judge will try to fix a trial on a date that is suitable for most of the witnesses. Before the Preliminary Hearing witnesses who may be asked to give evidence in court will be contacted by the procurator fiscal to find out the dates when they will **not** be available to come to court. The fiscal will also need to know the reasons for this.

The Judge can fix 3 different types of Trial:

- Fixed Trial – this is a trial allocated to a particular High Court (such as Glasgow or Edinburgh) to start on a specific date.

- Dedicated Floating Trial – this is a trial allocated to a particular High Court (such as Glasgow or Edinburgh) that can start on one of a number of days within the same week.
- Floating Trial – this is a trial due to start within a specific period (usually 2 weeks) but which has not been allocated to any particular High Court.

VIA will let you know what type of trial has been decided on.

The Trial

(witnesses must attend)

If you are needed to give evidence, you will be sent a witness citation (letter), giving a date and time when you must come to court. If for any reason you cannot come to court on the date and time given on the citation you must contact the fiscal or VIA immediately.

You will be sent a booklet (*Being a witness in the High Court*) with the letter. It gives information about what to bring to court, what will happen when you get there and what expenses you can claim.

You may have to wait some time at court before you are asked into the courtroom. Depending on how the trial progresses, you may not be called to give evidence or you may be required to attend on another day.

At the trial, the jury will listen to all the evidence and decide whether the verdict is **guilty, not guilty** or **not proven**. If the verdict is not guilty or not proven, the accused can leave court and that is the end of the case. If the accused pleads or is found guilty, they will be sentenced then or at a later date.

Guilty plea by the accused

The accused can plead guilty at the Preliminary Hearing or during the trial. If VIA find out the accused intends to do this, we will do our best to let you know. But the accused may decide on this plea at the last minute. They can also change their mind about pleading guilty up until the plea is made in court.

Additional support

Being involved in the criminal justice system can be daunting, and you may feel nervous about giving evidence at a trial. You may not know what to expect.

The Witness Service provides practical support for witnesses at court. VIA can also arrange for the Witness Service to show you around a court before the trial. We will ask you if you want us to arrange this for you.

VIA can also help if:

- your first or preferred language is not English and you need help to understand documents or give evidence