

Sentence

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

The Sheriff can choose what sentence to give from a range of options. Some of the options involve the accused being sent to a prison or Young Offenders Institution (a custodial sentence). Others do not, and are called non-custodial sentences.

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

In other cases they will continue the case to a later date to get background information on the offender and consider the available sentencing options. Background reports help the Sheriff decide the best way to deal with the case.

Where an offender is in prison during the trial the Sheriff will decide whether they should be released on bail until the sentence is passed. VIA will let you know if the offender is on bail or in custody.

We will also let you know the sentence given in the case that affects you (though you may be in court yourself to hear this). The VIA leaflet *Information about sentences* tells you more about how the Sheriff decides on a sentence and what it means.

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 Sheriff & Jury Procedure



Victim Information and Advice

A part of the Crown Office and Procurator Fiscal Service

© Crown copyright 2003 Revised Nov. 2006 APS Group Scotland DPPAS125863/12

Please contact VIA if you would like this document in another language, large print, audio, Braille or another format. We welcome calls through RNID Text Relay prefix 18001.

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 Sheriff Court. In a Sheriff and Jury trial, a jury (made up of 15 members of the public) decides the verdict and a Sheriff decides any sentence.

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

This leaflet describes the stages of Sheriff and Jury 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.

First Diet

(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 Sheriff whether they are ready for the case to go to trial. If they are, the sheriff will set a date for the trial.

If they are not ready, the case will be "continued". This means another court hearing will be arranged. 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 first diet. If they do, the Sheriff may pass sentence there and then or adjourn (continue) the case to a later date (see section on sentence).

If the accused pleads not guilty, the case will go to trial during a Sheriff and Jury Sitting. This is where a number of trials are set down for a specific period. The trial in the case that affects you will start at some time during this period. VIA will let you know when.

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 you cannot come to court on that day you must contact the fiscal or VIA immediately.

You will be sent a booklet *Being a Witness in the Sheriff and Jury 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 told to come back 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 First Diet or during the trial. If VIA finds 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. The can also change their mind about pleading guilty 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 round 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
- 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.