

# Criminal courts and mental

If you are charged with an offence, you must go to court. This factsheet looks at the different criminal courts in England and Wales and how they work. It looks at how your mental health can be considered in court, and the possible outcomes of a court case. This information is for people affected by mental illness in England who are 18 or over. It's also for their carers, friends and relatives and anyone interested in this subject.

## Key Points.

- The 2 types of criminal courts in England and Wales are magistrates' courts and Crown Courts.
- It can be helpful to tell some of professionals you might see about your mental health.
- You have certain rights when going to court.
- It can help if you know what to expect when you go to court.
- The court should think about how your mental illness might affect you in court.
- The court should think about your mental health when deciding on your sentence.
- You might be able to appeal the court's decision.

### This factsheet covers:

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## 1. Why do I have to go to a criminal court?

### What are the criminal courts in England and Wales?

The magistrates' court and Crown Court deal with criminal cases.

All cases start in the magistrates' court. The magistrates or judge will decide if your case needs to be heard in the Crown Court. The Crown Court hears more serious offences.

### Why might I have to go to court?

You might have to go to criminal court if the police and the Crown Prosecution Service<sup>1</sup> charge you with a criminal offence. This means that the police believe that you have committed a crime.

You should get a letter with the date, time, and address of the court you need to go to.<sup>2</sup>

Sometimes, you will be kept at the police station after the police charge you. The police will take you to court the next morning. This might happen if you have lots of previous convictions or if you have failed to appear at court before.<sup>3</sup>

It is important that you go to court. It is against the law not to go to court, and you could be arrested again.<sup>4</sup>

For some minor offences your case can be dealt with without going to court, either by paper correspondence or online.<sup>5</sup> If this applies to you, the court will let you know.

### What if I go to court as a witness or am a victim of crime?

This factsheet is about going to court because you've been charged with a crime. But you might go to court if you are a witness or victim of a crime.

The following links might be useful to you:

- **Gov.UK - Going to court to give evidence as a victim or witness:** [www.gov.uk/going-to-court-victim-witness](http://www.gov.uk/going-to-court-victim-witness)
- **The Citizens Advice Witness Service:** [www.citizensadvice.org.uk/about-us/about-us1/citizens-advice-witness-service](http://www.citizensadvice.org.uk/about-us/about-us1/citizens-advice-witness-service)
- **The Crown Prosecution Service - Domestic abuse - Supporting victims:** [www.cps.gov.uk/legal-guidance/domestic-abuse](http://www.cps.gov.uk/legal-guidance/domestic-abuse)
- **Victim Support:** [www.victimsupport.org.uk](http://www.victimsupport.org.uk)

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## 2. Will my case be heard in the magistrates' or Crown court?

Magistrates' courts deal with less serious offences, and Crown court deals with more serious.

Magistrates' courts deal offences including:<sup>6</sup>

- **Summary offences.** These include most motor offences, minor criminal damage and drunk and disorderly, and
- **Triable either way offences.** Such as burglary and drugs offences.

Triable either way offences can be heard in either court. This is because these offences can vary in how serious they are.<sup>7</sup>

The Crown court has more sentencing options than the magistrates' court. For example, higher fines and longer prison sentences.

The offences heard at the Crown Court are:<sup>8</sup>

- **Triable either way offences**, or
- **Indictable offences.** These are serious crimes that include the following:<sup>9</sup>
  - rape
  - manslaughter
  - murder

### I have committed a triable either way offence. Can I choose the type of court I go to?<sup>10</sup>

You might have committed a triable either way offence.

Magistrates might decide your case can be heard in the magistrates' court or Crown Court.

They will ask for your permission to hear your case in the magistrates' court. You can choose to have your case heard in the Crown Court in front of a judge and jury. But only if you are pleading not guilty.

### What is the magistrates' court like?

At the magistrates' court a panel of 2 or 3 magistrates, or district judge, will usually hear your case.<sup>11</sup>

[Section 3](#) of this factsheet has more information about the magistrates' and district judge's roles.

There is no jury in a magistrates' court.<sup>12</sup>

There will be a place for members of the public to sit.<sup>13</sup>

You can either plead guilty or not guilty. See '**What is a plea hearing?**' in [section 5](#) for more information.

## What is the Crown court like?

A Crown Court:<sup>14</sup>

- normally has a jury, which decides if you're guilty or not, and
- has a judge who decides what sentence you get.

There is likely to be defence and prosecution lawyers, and a public gallery.

Section 3 of this factsheet has more information about who you might meet at court.

In court you are known as the defendant. The court expects you to sit in the 'dock.' This is a chair on a raised platform. You should stand when you are asked to.

Most trials last for a day or so. But they can last for weeks or months if there is a lot of evidence.

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### 3. Who's involved?

You may come across a lot of different professionals and unusual words in the court system. Some of these may be:

**Barrister.** A specialist legal adviser. They can also be called an advocate or counsel. They can represent you in Crown Court. They can advise on complicated areas of law.

**The court clerk.**<sup>15</sup> You'll see them at front of the court. They prepare the laptops and screens that are used to show evidence during the trial. They read the formal charges to the court and take oaths from members of the jury. They also make notes during the trial. They wear a black gown.

**Crown Prosecution Service (CPS).**<sup>16</sup> A government department that prosecutes criminal cases. The police will discuss their investigation with them. They will decide if your case should go to court. They prepare and present cases in court.

**Defence.** The legal team that will defend you in criminal court.

**Defendant.** You are the defendant. This is the person in court who has been accused of a crime.

**District Judge.**<sup>17</sup> They deal with more complicated cases in a magistrates' court. They usually hear cases on their own.

**Judge.**<sup>18</sup> They hear cases in Crown Court and make sure everyone is given the opportunity to present their case fairly. At the end of your trial, they will explain the law and summarise the facts of the case for the jury. If the jury decides that you are guilty, they will give you an appropriate sentence. The judge wears a wig and gown.

**Jury.**<sup>19</sup> A jury is made up of 12 members of the public. They listen to your case. They decide if you're guilty or not guilty. You find juries in Crown Courts but not in magistrates' courts.

**Magistrates.** They oversee hearings in a magistrates' court. They sit in a panel of 2 or 3 to hear the case. They are not legal professionals but have some legal training.<sup>20</sup> They are supported by a legally trained clerk who advises them on areas of law.<sup>21</sup>

**Liaison and diversion services.** These services are made up of health and social care professionals. They are available in some courts and police stations. They can do an assessment of your mental health and give the court information about your condition. They can refer or signpost you to suitable services for support. See [section 6](#) of this factsheet for more information.

**National Probation Service (NPS).** If you have been found guilty in court the NPS will write a report to help the court decide on a sentence.<sup>22</sup> They supervise some people who get a community order<sup>23</sup> or have left prison.

**Prosecution.** The legal team that tries to prove that you have done the crime that you're accused of.

**Solicitor.** Someone who is legally trained to give advice and prepare cases for court. Your solicitor will represent you in court or pass your case to another legal representative.

**Duty solicitor.**<sup>24</sup> A duty solicitor is someone who works at police stations and Magistrates' Courts. They can give you some advice and representation if you don't have your own solicitor. See [section 4](#) for more information.

**Usher.**<sup>25</sup> They oversee the list of cases being heard in court each day. Sometimes they are called the 'list caller.' You should let them know when you arrive at court. They will tell you where to go. The usher wears a black gown.

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#### 4. What are my rights at court?

Defendants have rights in court. Article 6 of the European Convention on Human Rights lays out these rights. You have the right to:<sup>26</sup>

- be assumed to be innocent, unless you are proven guilty,
- a fair and public trial,
- be told what you have been accused of,
- have enough time to prepare your defence,
- have access to the things you need to prepare your defence,
- call any witnesses to defend yourself,
- question any witnesses called against you,

- defend yourself personally or with legal help, and
- have a free interpreter if you can't speak or understand the language used in court.

### **Do I have a right to a solicitor? <sup>27</sup>**

You might not have your own solicitor. You have the right to have a duty solicitor represent you at your first appearance at the Magistrates' Court.

Each magistrates' court will have at least one duty solicitor available on any day. There are no duty solicitors available at Crown Court.

Your duty solicitor should:

- make sure that your rights are upheld,
- make sure that you get independent legal advice, and
- only represent you if:
  - you have been remanded in custody, or
  - if you could get a prison sentence if you are convicted.

Your duty solicitor cannot represent you if:

- you have already pleaded not guilty, or
- if you have pleaded guilty and the case has been adjourned for pre-sentence reports.

Duty solicitors serve many clients at one time. So, if you want a duty solicitor at your hearing, it is a good idea to call the court in advance to ask for one.

### **What if I do not have duty solicitor?**

If you do not have a duty solicitor, you can get your own solicitor, but you might have to pay.

If you have no solicitor a loved one, support worker or advocate can support you in the courtroom. Although they aren't allowed to speak during proceedings, they may be able to sit close to you, or in the public gallery. Sometimes just knowing that someone is there for you might make you feel more comfortable.

You can find more information about '**Legal advice: How to get help from a solicitor**' at [www.rethink.org](http://www.rethink.org). Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

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## 5. What happens in court?

Going to court can be an anxious time for you, and for those close to you. Below are some things you can do to help everyone feel more prepared on the day. The [checklist](#) at the of this factsheet might also help.

### How can I find out what time my case will be heard and in what court?

To find out what time your case will be heard and in what court number you can:

- check the notice board, or
- speak to the [usher](#).

### What if I have difficulties because of my mental illness?

You might:

- have communication difficulties because of your mental illness, and
- find the language used in court difficult to understand.

You, your solicitor, or someone else like a loved one can ask the court if they can appoint an intermediary.<sup>28</sup>

An intermediary is a communication specialist. They can help you understand the legal processes you are going through.<sup>29</sup>

You may want to see the courtroom before your hearing to make you feel more relaxed. You the [usher](#) about this.

If you have a solicitor, you can speak to them about any difficulties you might have in court.

### How can I make a good impression?

Court is a formal environment. It is important to make a good impression. It's a good idea to wear a suit or smart clothing. It may help you feel more confident in the courtroom.

### What is a plea hearing?<sup>30</sup>

If you have been charged with an offence you will be called to court for what is known as plea hearing. This will always be at the magistrates' court.

You will be asked to plead guilty or not guilty.

If you:

- plead guilty it means that you did the crime, and
- plead not guilty it means that you did not do the crime.

## **What happens if I plead guilty?**

If you plead guilty, this means that you admit that you did the crime. The magistrates or judge will give you a sentence.

This might happen on another day if the court needs to get more information. Such as information about your mental health.

See [section 6](#) of this factsheet for information on how the courts might consider your mental health.

### **Who will sentence me in a magistrates' court if I plead guilty?**

The judge or magistrates might sentence you. Or they might pass your case to the Crown Court. This will happen if they think your offence is serious.

### **Who will sentence me in a Crown court if I plead guilty?**

A judge will sentence you. There won't be a jury. There is only a jury if you plead not guilty.

## **What happens if I plead not guilty?**

If you plead not guilty the court will hear your case and decide if you are guilty, or not. This is called a trial.

If you are found guilty after pleading not guilty, you might get a harsher sentence than if you'd pleaded guilty straight away.<sup>31</sup> You can speak to your solicitor for advice.

Your trial might be at the magistrates' court or passed to the Crown court if your offence is serious. This is because a Crown court has the power to give more and more harsher sentencing options.

### **What will happen at the trial?**

During a trial the prosecution will try to prove that you are guilty of the crime. Your defence will try to prove you are not guilty.

Before you give evidence, you will be asked to swear that you will tell the truth. You can do this by giving an oath on a holy book of your choice. If you are not religious, you can choose to 'affirm'. This is a non-religious oath.

The prosecution and the defence can call witnesses to the case. Your barrister should question any witnesses from the prosecution side. This is called 'cross examining'. They will do this to see how reliable or trustworthy they are. The prosecution can do the same to any witnesses that are called to defend you.

### **Who will decide if I am guilty in a magistrates' court?**

The magistrates or district judge will usually decide if you are guilty or not.<sup>32</sup>

## Who will decide if I am guilty in a Crown court?

In a Crown court the jury and judge will decide if you are guilty.

The jury is made up of 12 members of the public. They will go to a private room to discuss your case once they have heard all the evidence. They will decide if you are guilty.

If the jury can't all agree on a decision, the judge can allow a majority verdict instead. This is where 10 of the 12 jurors agree.<sup>33</sup> 1 member of the jury, called the foreman, will tell the court their decision.

## What happens if I am found not guilty?

You are free to leave if you are found not guilty.<sup>34</sup> This is called being acquitted.

## What happens if I am found guilty?

The magistrates or judge will sentence you if you are found guilty.

The court might need reports before they can sentence you. Usually, a medical and a pre-sentence report. You can find more information on these reports under '**What information can the court ask for?**' in [section 6](#) of this factsheet.

## How will the court decide to sentence me?

If you have a mental health condition, the court might ask for pre-sentence and medical reports before they sentence you. These reports can help the court decide on the right sentence. You can read more about these reports in [section 6](#) of this factsheet.

Sentencing can be very complicated. The judge must weigh up many different things. Such as:<sup>35</sup>

- how serious the offence is,
- what is in the interests of the wider public, and
- how the sentence will affect your mental health.

Judges should think about how your sentence could affect your mental health. If you live with mental illness, prison may make your mental health worse.<sup>36</sup>

You can find information on the outcomes related to mental health in [section 10](#) of this factsheet.

Courts must use sentencing guidelines to decide on the right sentence. You can read more about these guidelines from the **Sentencing Council** here: [www.sentencingcouncil.org.uk/sentencing-and-the-council/about-sentencing-guidelines](http://www.sentencingcouncil.org.uk/sentencing-and-the-council/about-sentencing-guidelines)

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## 6. How will the court consider my mental health?

Talk to your solicitor about any mental health problems that you have. You can discuss how your mental illness may affect you in court. Or if it had a part to play in your offence. Your solicitor can talk to you about telling the court, as this may help your defence.

If you don't have a solicitor, you could find out if the court has a duty solicitor who can help you.

Your solicitor, the prosecution, or the court can ask for a medical report if they know, or think, you have a mental illness. See below for more information on medical reports.

You might not be able to get a solicitor, or you might not want one. You can tell the court that you have a mental illness. Or you can contact Liaison and Diversion services.

### What are NHS liaison and diversion services?

Liaison and diversion (L&D) services are provided by the NHS. They work within the criminal justice system, including at courts.<sup>37</sup>

L&D services identify vulnerable people who have contact with the criminal justice system.<sup>38</sup> This includes people with mental health problems.

They aim to improve health outcomes for people and to support them to reduce their offending.<sup>39</sup>

They can support you while you're at the court. They can make sure that you get referred to suitable health or social care services.<sup>40</sup>

The court should refer you to an NHS L&D service if you have a mental health problem. Or you can ask them to refer you. You can also search for the services yourself at:

[www.england.nhs.uk/commissioning/health-just/liaison-and-diversion/region-contacts](http://www.england.nhs.uk/commissioning/health-just/liaison-and-diversion/region-contacts)

Or if you would like help from an L&D service, please tell the customer services officer or usher at the court where your case is being heard. You can find the court's contact details using the tribunal finder in the Useful contacts section at the end of this factsheet.

L&D services have different names in some areas. Such as:

- Court diversion scheme, or
- Criminal justice mental health liaison team.

## What information can the court ask for?

The 2 main reports that the court can ask for are a:

- medical report and
- pre-sentence report.

Some courts have drug and alcohol workers who will write reports for the court if you have issues with these.

You should be allowed to read the reports.<sup>41</sup> If you disagree with anything you can tell your solicitor.

### What is a medical report? <sup>42</sup>

The court might know, or think that, you are living with a mental disorder. A mental disorder can include mental illness and things like dementia, and developmental disorders including autism.

Before passing some types of custodial sentences the court must consider getting a medical report. The report will be about your mental condition from a suitably qualified mental health professional.

The court will think about:

- the information in the report before passing sentence, and
- the effect of a custodial sentence on your mental condition and any treatment which may be available for it.

### What is a pre-sentence report?

This report can help the court decide how to sentence you.<sup>43</sup>

The National Probation Service will write the report. They are independent of the court.<sup>44</sup> They will book an appointment with you to do the report.<sup>45</sup>

The report could have the following kinds of information in it.

- How you feel about the offence.
- Your family history.
- What is happening for you now. Like, if you are getting help from mental health services. And if you have any drug or alcohol issues.
- The type of offence you are guilty of, and how serious it is.
- How your offence affected the victim.
- Your level of risk of reoffending.

The National Probation Service will make recommendations for sentencing.<sup>46</sup> But the court doesn't have to accept them.

If the court considers the pre-sentence report unnecessary, they may proceed to sentence without it.<sup>47</sup>

### When can the court ask for a pre-sentence report?

The court can ask for a pre-sentence report after you plead guilty, or if you have been found guilty.<sup>48</sup>

### Can my solicitor ask for a pre-sentence report?<sup>49</sup>

Your solicitor can ask the Probation Service to prepare a pre-sentence report before the first hearing if:

- you'll be pleading guilty,
- you agree to meet the Probation Service about the report,
- your case is likely to be sentenced in the magistrates' court.

### **Can mental health be used as a defence?**

The law has different mental health defences. They can only be used in specific situations. The 3 most common defences are the following.

**Insanity.**<sup>50</sup> If you were so ill at the time of the offence that you didn't know what you were doing. Or that what you were doing was wrong.

**Diminished responsibility.** If you are charged with murder, this would lower the charge to manslaughter. You can argue diminished responsibility if you were so unwell when you did the crime that it highly affected:

- your ability to understand what you were doing,
- your ability to make a reasonable, logical decision, or
- your self-control.<sup>51</sup>

**Automatism.**<sup>52</sup> If your conscious mind had no control over your actions when you offended. An example of this might be if you commit an offence when you are sleepwalking.

Speak to a solicitor for more information on these defences if you think they apply to you.

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## **7. What can a friend or relative do to help?**

Your family or close friends could give statements to your solicitor, or to court about:

- your behaviour and mental health, and
- background information about what was going on at the time of the offence, or suspected offence.

At the end of this factsheet there are [Sample letters](#) your family or friends can use to make statements.

The magistrates or judge should consider any information they get about you. It might help them to decide whether they need to ask for more information about you. Such as a medical report.

Your family member or close friends should send their statements to your solicitor, if you have one. They will read the information to decide if they think it will help your case.

If you have no solicitor, your family or close friend can address their statement direct to the court.

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## 8. Where might I live while my court case is ongoing?

If you must go to court more than once for the same case, you will be put on 'bail' or 'remand' during your court case.

### What does bail mean?<sup>53</sup>

Bail means you stay in the community during your court case. You may have bail conditions. Conditions could be things like:

- living at a particular address,
- not having contact with certain people,
- giving your passport to the police so you cannot leave the UK, or
- reporting to a police station at agreed times.

### What does remand mean?<sup>54</sup>

This means that you will be kept in prison while your case is being heard.

If the court decides to put you on remand it means, you'll go to prison until your trial begins.

You may be put on remand if:

- you've been convicted of a crime in the past,
- the court thinks you might not go to your court hearing,
- the court thinks you might commit a crime while on bail, or
- you have been given bail before and not stuck to the terms.

Professionals may write reports that would tell the court more about your mental health when you are on remand.

If you go to prison, you should be kept away from convicted prisoners as much as possible. And you shouldn't be asked to share a cell with them.<sup>55</sup>

Some prisons have healthcare units where people who are unwell can stay. Your solicitor and family members can contact the prison about any worries they have about your mental health.

You can find more information about '**Mental health care in prison**' at [www.rethink.org](http://www.rethink.org). Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

## 9. What might happen at the end of my court case?

There are lots of possible outcomes at the end of a court case. These are explained below.

### I have been acquitted. What does that mean?

This means the court finds you not guilty. You are free to leave.

### I have been found guilty of an offence. What happens next?

The court will decide what sentence to give you if you plead guilty, or if you are found guilty of an offence. Being found guilty of an offence is known as being convicted.

Look at '[How will the court decide how to sentence me?](#)' in section 5 for more information.

### What is a custodial sentence?

A custodial sentence means that either:<sup>56</sup>

- you must spend time in prison, or
- you get a suspended sentence.

For each type of offence there are minimum and maximum lengths of prison sentences. The court will decide how long you should stay in prison.<sup>57</sup>

if you get a suspended sentence, you will serve it in the community under certain conditions. But you will be sent to prison if during your suspended sentence:<sup>58</sup>

- you break the conditions, or
- You are convicted of another offence.

A custodial sentence can affect your mental health. The court should think about whether a custodial sentence is the right sentencing option for you.

You can find more information about:

- Prison – Going in, and
- Prisons - How are they run and what can I do there?

at [www.rethink.org](http://www.rethink.org). Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

### What is a community order?<sup>59</sup>

A community order means you will serve your sentence in the community.

The court will decide:

- how long your community order will last, and
- what you must do in a community order.

You might have to do the following things.

- Be supervised by probation.
- Unpaid community work. Such as street cleaning or removing graffiti.
- Rehabilitation work.
- Have a curfew. This means having to be at your address during certain times of the day.
- Stay away from certain places or areas.
- Stay at a specific address.
- Not travel abroad.
- Have treatment for your mental health, if you agree. This is called a 'mental health treatment requirement.' See 'mental health treatment requirement' in [section 10](#) of this factsheet for more information.
- Have treatment for your drug or alcohol problems, if you agree.

Evidence shows that community orders are better than short prison sentences for stopping people re-offending.<sup>60</sup>

### **Can the court give me a fine?<sup>61</sup>**

The courts give fines for lower-level crimes like minor theft or driving offences.

The court will decide on your fine after thinking about:

- how much money you can pay, and
- how serious your offence is.

A fine is the most common sentence.

If you claim benefits, the fine may come out of your benefits over a few months or years until it is paid.<sup>62</sup>

### **What are discharges?<sup>63</sup>**

A discharge means you:

- you will be released from court without any further action if you've committed minor offence, and
- still get a criminal record.

The courts only give only give discharges in a small minority of cases.

An **absolute discharge** the court think the experience of going to court is punishment enough for you. They take no further action.

A **conditional discharge** means that, if you commit another crime, you can be sentenced for the first one and the new one.

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## 10. What sentences are mental health specific?

When deciding what sentence to give you, the court should think about how a sentence will affect your mental health.

They could decide on a sentence that means you get help for your mental health. The following sentences are mental health specific:

- Mental health treatment requirement,
- Guardianship order, and
- Hospital order under the Mental Health Act.

### What is the mental health treatment requirement (MHTR)?<sup>64</sup>

The court can give you an MHTR as part of your community order or suspended sentence if you need mental health treatment.

You need to agree to treatment under a MHTR.

You might be asked to agree to a MHTR if you:

- have high levels of complex health and social care needs, and
- they are contributing to your offending behaviour.

You might have a history of trauma or abuse. You might not have been supported by statutory services until this point.

You will only get an MHTR if you don't need to be in hospital under the Mental Health Act.

### What is a guardianship order?<sup>65</sup>

A guardianship order means that the court authorise someone to look after your wellbeing. This person will be your guardian.

Your guardian's role is to make sure you get care, protection, and treatment for your mental illness.

Your guardian could be someone from the local authority. Or a person approved by the local authority, such as a relative.

Guardianship orders are issued under the Mental Health Act 1983.

### What is a hospital order under the Mental Health Act?

If you are convicted of a crime, the courts can send you to hospital instead of prison. The courts can do this if you have a mental disorder and need hospital treatment.<sup>66</sup>

The court use different sections of the Mental Health Act. These sections are called ‘forensic sections’.<sup>67</sup> The most common forensic sections are the following.

- **Section 37.** This gives the court the power to send you to hospital, instead of prison.
- **Section 37/41.** This is similar to Section 37. But it can only be used by a Crown Court. There are more restrictions on you if you’re sent to hospital under sections 37/41.

You can find more information about:

- Section 37 of the Mental Health Act - Hospital orders, and
- Section 37/41 of the Mental Health Act - Hospital orders with restriction

at [www.rethink.org](http://www.rethink.org). Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

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## 11. Can I appeal my conviction or sentence?

An appeal means that you disagree with the court’s decision, and you want them to look at it again.

You may be able to appeal the court’s decision about your conviction or your sentence.

You must have a good reason for appealing and stick to the strict time limits.

You should get legal advice about making an appeal. Your legal advisor should be able to tell you how much it will cost.

You can find more information about ‘**Legal advice: How to get help from a solicitor**’ at [www.rethink.org](http://www.rethink.org). Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

### How can I appeal a magistrates’ court decision?<sup>68</sup>

There are different reasons why you can appeal a magistrates’ court decision.

- You can appeal your sentence, if you pleaded guilty.
- You can appeal your conviction and sentence if you pleaded not guilty.
- If you did not know about your case before a decision was made, you can ask the court to reopen it.
- You might be able to ask the court to change the amount you have been fined.

Depending on what you are appealing, you might need to appeal to the Crown court.

You should be guided by your legal adviser.

You can find out more about making an appeal against a magistrates' court decision from the government website here: [www.gov.uk/appeal-magistrates-court-decision](http://www.gov.uk/appeal-magistrates-court-decision)

### **How can I appeal a Crown Court decision?<sup>69</sup>**

You can appeal your Crown court conviction, sentence, or both. This is whether you pleaded guilty or not guilty.

You must first apply for consent to appeal to the Court of Appeal Criminal Division.

It is best to get legal advice. Your adviser can help you decide if your application is likely to be successful.

You must apply within 28 days of either:

- of the date you were convicted - if you're appealing against your conviction
- of the date you were sentenced - if you're appealing against your sentence.

A judge will look at your application and decide whether to give you consent to appeal.

The contact details for the **Court of Appeal Criminal Division** are:

**Phone:** 020 7947 6011

**Address:** Criminal Appeal Office, Court of Appeal, Royal Courts of Justice, Strand, London, WC2A 2LL

**Email:** [generaloffice@criminalappealoffice.justice.gov.uk](mailto:generaloffice@criminalappealoffice.justice.gov.uk)

You can find out more about making an appeal against a Crown court decision from the government website here: [www.gov.uk/appeal-against-crown-court-verdict#:~:text=You%20can%20appeal%20against%20your,Court%20of%20Appeal%20Criminal%20Division](http://www.gov.uk/appeal-against-crown-court-verdict#:~:text=You%20can%20appeal%20against%20your,Court%20of%20Appeal%20Criminal%20Division)

## Sample letter for friends or relatives to give information to the court

### Sample Letters

Your name  
Your address  
Your phone number (optional)  
Your email address (optional)

Pre-Court team

Court address (you can find this here: [www.gov.uk/find-court-tribunal](http://www.gov.uk/find-court-tribunal))

Date

Dear Madam/ Sir, *(if the case is being heard in the Crown Court, you could contact the court to find out the name of the judge)*

**Re: Person's name (date of birth) (The Defendant)  
Court reference number or date of court appearance (if known)**

I am writing as the Defendant's *[state relationship]*. I am writing because I am worried about the Defendant's mental health. I would like to give the court further information about their circumstances and ask you to please consider this in proceedings.

*[Give details of your love one's behaviour that are causing alarm, and any relevant background information. List as much of the worrying behaviour as possible but try not to make the letter too long. You might want to consider the following questions:]*

- *Has your friend or relative got a mental health diagnosis? If not, what has happened recently to make you concerned?*
- *What symptoms and behaviours are linked to their condition? Did they have a part to play in their contact with the police?*
- *Do they receive any treatment, such as medication or talking therapy?*
- *Have they ever used mental health services? Are they using them now? You could give the court details of any services if you know them. This could include details of their GP or their NHS mental health team.*
- *Does the person understand their illness, or do they think they are well?*
- *Are there any other reasons that can help explain their behaviour. For example, drug or alcohol use?*

If there is a Liaison and Diversion service at the court, they may be able to help give more information about the Defendant's mental health.

I think it is important that the court understands the Defendant's background. I ask that you consider their mental health during proceedings.

Yours faithfully/ sincerely, *(delete as appropriate)*

*Signature*  
Your name

**Please note – If your loved one has a solicitor, it is important to ask them if this sort of letter will help in the case before you send it to the court.**

## Sample letter for defendants to provide information to the court

Your name  
Your address  
Your phone number (optional)  
Your email address (optional)

Pre-Court team

Court address (you can find this here: [www.gov.uk/find-court-tribunal](http://www.gov.uk/find-court-tribunal))

Date

Dear Madam/ Sir, *(if the case is being heard in the Crown court, you could contact the court to find out the name of the judge)*

**Re: Your Name (date of birth)**

**Court reference number or date of court appearance (if known)**

I am writing to give the court further information about my circumstances, which is relevant to my case. Please consider this information in proceedings.

*You might want to think about the following questions:*

- *Have you got a mental health diagnosis? If not, what has been happening recently to make you concerned about your mental health?*
- *What symptoms and behaviours are linked to your condition? Did they have a part to play in your contact with police?*
- *Do you receive any treatment, such as medication and talking therapy?*
- *Have you ever used mental health services? Are you using them now? You could give the court details of any services. This could include details of your GP or NHS mental health team.*
- *Are there any other circumstances that can help explain your behaviour? For example, drug or alcohol use?*

If there is a Liaison and Diversion service at the court, they may be able to give more information about my mental health.

I think it is important that the court understands my background. I ask that you consider my mental health during proceedings.

Yours faithfully/ sincerely, *(delete as appropriate)*

*Signature*  
Your name

**Please note – If your loved one has a solicitor, it is important to ask them if this sort of letter will help in the case before you send it to the court.**

[Top](#)

## Checklist

### Checklist

Date of court hearing: \_\_\_\_\_

Time of court hearing: \_\_\_\_\_

Check the court address and how to get there. My route:

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Contact the court or your solicitor if you don't know this information.

Is there anyone who can come with me for support, such as a carer, friend, relative or healthcare professional?

No  
 Yes – who? \_\_\_\_\_

Shall I arrange a visit to the court before my hearing?

No  
 Yes

Contact the court if you would like to do this.

Date and time of visit: \_\_\_\_\_

Has my solicitor been in touch with any of my mental health professionals?

No  
 Yes

Do I want to write a letter to the court with information about my mental health?

No  
 Yes

Date letter(s) sent \_\_\_\_\_

Do I want to ask my carer, friend, or relative if they would like to write a letter?

No  
 Yes

Date letter(s) sent \_\_\_\_\_

Have I got suitable clothing?

No  
 Yes

If not, you might want to think about borrowing or buying something smart.

Have I got my medication to take with me?

No  
 Yes

[Top](#)

## Further Reading

You can find more information about:

- Complaints about the police
- Complaints about court
- Complaints about prison
- Legal advice: How to get help from a solicitor
- Section 35 of the Mental Health Act - Criminal courts send you to hospital for a medical report
- Section 36 of the Mental Health Act - When the Crown Court sends you to hospital for treatment
- Section 38 of the Mental Health Act - Interim hospital orders by the criminal courts

at [www.rethink.org](http://www.rethink.org). Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

## Useful Contacts

### GOV.UK

This website has information and guidance on the criminal justice system. Including legal aid, courts, prisons, and probation. You can also search for court details here.

**Website:** [www.gov.uk/browse/justice](http://www.gov.uk/browse/justice)

**Website to search for a court:** [www.gov.uk/find-court-tribunal](http://www.gov.uk/find-court-tribunal)

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This factsheet is available in large print.

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