

Questions & Answers

In trouble with the Police?

How long can the police hold me?

Normally the maximum time is 24 hours. In most cases a person is detained for a much shorter period of time. However the police can hold you for a further 12 hours if a Superintendent agrees to extend the 24 hours but after that, and normally only in the most serious of allegations, the police must apply to the Court for a Warrant of Further Detention, which can extend the total period of time up to 72 hours.

Can I insist upon making a telephone call?

You have the right to have someone told that you have been arrested. This will be done by the police. However, normally the police will also allow you to make a telephone call if it will not hinder their enquiries.

Can I insist upon speaking to a Solicitor?

Yes, either on the phone or in person at the police station. You can ask for your own Solicitor to be contacted, and at LDJ Solicitors we have police station cover 24/7. You don't even have to remember our telephone number as the police station have them on record! For some minor offences you may only need telephone advice but if you are to be interviewed you may well need a Solicitor present.

Will it cost me anything to have a Solicitor at the police station?

No. It does not cost anything, and this remains so even if you have to go back to the police station on bail at a later date.



AT THE POLICE STATION

What's the point in having a Solicitor?

Firstly, we will be able to explain your rights and the police powers whilst in custody. Also, before the interview we will obtain details from the police as to why you have been arrested and what evidence there is to suggest that you have committed the offence. We will discuss this with you and explain the relevant law and advise you as to your options – this will be before you are interviewed.

Is what I tell my Solicitor confidential?

Yes, whatever you say to your Solicitor in respect of a matter where we are acting for you remains secret. What you tell us is “privileged” and therefore not even allowed in evidence unless you agree to waive your privilege.

There is one important point to stress. If you tell us that you have committed the offence but then say that you are going to deny it, a problem arises. Whilst we will not of course tell anyone that you have admitted the offence, we CANNOT continue to represent you knowing that you are not telling the truth. We would have to withdraw from the case (without telling the police why).

What is bail?

If the police haven't finished dealing with your case, they will ask you to come back on another day. This is called bail. If you don't turn up, they can arrest you and charge you with an offence of failing to answer your bail. Also, it is likely to affect whether or not you get bail in future.

The police may put conditions on your bail about things you cannot do and places you cannot go. If you breach these conditions it is also likely to affect your right to bail in the future. If the police charge you and give you a court date, the consequences of failing to turn up at Court on time, and on the right date, or failing to keep to the conditions of the bail also mean that you can be arrested and charged and kept in custody.

Can the police refuse to grant me bail after I have been charged?

Yes, but they must have good reason, and these must be recorded. We can argue that their grounds are not good, but if they still refuse bail then you will appear at the next available Court, normally the next day. At Court we can argue that bail should have been granted and often the Court agrees and bail is granted, often with conditions.

Which Court will deal with my case?

The Magistrates Court deal with most cases unless they are very serious offences, such as murder, rape, robbery etc, or where the sentence is likely to be more than 6 months, when the case will be transferred to the Crown Court. We will be able to advise which Court is likely to ultimately deal with your case.



What happens when I get to Court?

You will need to give your name to the reception. We will speak to you prior to you being called into Court. When in Court you will be asked your name, address and date of birth and the Clerk will confirm what you are in Court for. You may be asked to say whether you are guilty or not guilty. Apart from this, we will speak on your behalf.

Will I get Legal Aid?

This will depend upon your income and your expenses. Firstly the Court will only grant Legal Aid if the case is considered serious enough; for example it may attract a term of imprisonment, or if it is going to be a trial, or there is a point of law involved. If you pass this test, the Court will then consider your income and outgoings. Certain benefits will automatically qualify, such as JSA or income support. Otherwise it will be necessary for full details to be provided, with documents in support, for yourself and your spouse or partner.

We cannot stress enough the importance of getting all of the information and documents together at the earliest opportunity. We will help you with the forms and documents.

If your case is dealt with in the Crown Court and you are working, you will have to pay a contribution towards your Legal Aid.

What happens if I don't qualify for Legal Aid?

We can represent you on a private client basis, namely you will pay us for the work we do on your behalf. We will give you full details of our charges.

If you are found not guilty or the case is dropped the Court can make an Order whereby you will get back some of your costs.

Is there any benefit in pleading guilty?

Yes. If you are guilty there is an obvious advantage in saying so at the earliest opportunity, as the Court must give you credit. Normally the credit for an early guilty plea is 1/3. So if the sentence, after a trial, and having been found guilty, would have been 150 hours community service, then if you plead guilty the sentence should be 100 hours. It also applies to other sentences, such as a fine, or imprisonment.

AT COURT

How does the Court decide on the sentence?

The Courts must consider guidelines in deciding the sentence. We can advise you about sentence as there are a large number of factors that can effect the end decision.

What if I am pleading not guilty?

There will be a trial in either the Magistrates Court or the Crown Court. We will provide you with a detailed explanation as to what will happen, and what the procedure will be, in either Court.

Will I remain on bail?

The general rule is that if you are on bail to Court and your case gets adjourned then you will be bailed again. However if you fail to attend when required, or break any of the conditions of your bail, you are likely to be arrested, kept in custody, and then brought before the Court. The Court will then have to decide whether or not you can be bailed again.

Will I have to pay prosecution costs?

If you plead guilty or are found guilty after a trial, this is highly likely, but it will depend on your means. It will also depend on how much work the prosecution have had to do. For example, if the case is finished on the first hearing, then costs of £85 - £145 are likely. If there has been a trial then this might be £600 or more if it went into a second day.



AT THE SOLICITORS' OFFICE

Our usual opening hours are Monday to Friday, 9am to 1pm and 2pm to 5.15pm. However if it is necessary to see you outside these hours then arrangements can be made.



Which is the best telephone number to use? (024) 76 745008. You can also fax us on (024) 76 745029 or by emailing us on crime@ldjsolicitors.co.uk.

Also please feel free to view our website at www.ldjsolicitors.co.uk

How can you help us to prepare your case?

The more information that you can give us, the better. If you have been charged or bailed back to the police station, please bring the Charge Sheet or Bail Notice with you when you come in to see us. It can make it difficult to give proper advice if we don't know what offence you have been charged with or arrested for. We will read everything that you send us, either letters or statements about the incident itself. We will of course consider all the evidence with you and fully prepare your case for Court, whether it be a plea of guilty or not guilty.

What if I am unhappy with how you are dealing with my case?

We are confident that the matter you have instructed us on will go smoothly but if you are worried about anything, please do speak to the person dealing with the matter in the first instance. If you are not able to resolve the matter to your satisfaction and you want to make a complaint then please address this to Mr Simon Marlow-Ridley, our Complaints Partner.

If having made a complaint and received our response you are still not satisfied then you can ask the legal ombudsman to consider the complaint. Normally you will need to bring a complaint within 6 months of receiving a final written report from us about your complaint. The Legal Ombudsman can be contacted at PO Box 6806 Wolverhampton, WV1 9WJ, website: www.legalombudsman.org.uk , Tel: 0300 555 0333, email: enquiries@legalombudsman.org.uk

What happens to my file at the end of the case?

It is the policy of this firm to store your file of papers for a period of six years from the date of the last hearing. Should it be necessary, these papers can be retrieved during this period, but after six years they will be destroyed. However, if at any time in the future you require sight of your file we can print a copy and send it to you for a fee of £50.00 plus VAT.

OUR PEOPLE



Simon Marlow-Ridley

Consultant

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Simon deals with criminal defence advocacy and is mostly found at Court or Police Stations. He does both publicly funded and private work.

OTHER SERVICES WE OFFER

LDJ Solicitors offer a broad spectrum of legal services which include:-

Personal Legal Services

Residential Property
Family Law
Wills, Probate, Tax & Trusts
Employment Law
Housing Law
Criminal Law

Business Legal Services

Business Services
Business Property
Dispute Resolution

For all your legal requirements, including publicly funded work, please contact the addresses shown opposite or visit our website at:-

www.ldjsolicitors.co.uk



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