



PLEADING GUILTY

EVEN IF YOU ARE GUILTY YOU HAVE MORE OPTIONS THAN YOU THINK

Preparing for
Guilty Plea

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THE INITIAL COURT HEARING

1. Assessing your options

Accepting guilt is not always as straight forward as it seems.

When your driving licence is in jeopardy, it is very important to get specialist advice from our expert Road Traffic Lawyers. At Scullion Road Traffic LAW we understand the impact losing your licence, can have on your job, your friends, your reputation and even your car.

Don't risk losing it all.

You may accept **responsibility** for some, part of, or indeed all allegations against you - but that doesn't mean you need to accept the **consequences** of every charge against you.

Our Specialist Road Traffic Lawyers have the confidence, skills and experience required to negotiate the best possible pleas with the Crown Office and Procurator Fiscal Service (COPFS). We have the expertise, knowledge and Court craft to guide you through a difficult 'Special Reasons or Exceptional Hardship' proof. By this stage, we trust your lawyer will have explained the most effective route to take to limit damage to your licence.

2. Preparing your case

At your initial consultation, your lawyer will have taken your personal details as well as information about your family circumstances, your job, your income and the impact penalty points or a disqualification could potentially have on you and those you love.



Your lawyer will use his/her expertise to identify the most recent and relevant case law and sentencing guidance, combined with the information you have provided and our vast experience in dealing with cases similar to yours - to put together a comprehensive and bespoke plea in mitigation that will persuade the court to show leniency when dealing with your case.

Each case is unique and although we are confident in our ability to get you the best possible result – you can help by providing **strong character references** eg a letter from your employer explaining the impact more points (or disqualification) could have on you and the lives of those around you. Would it affect your family/ kids / job / reputation etc?

If you have any queries regarding what you can do to assist with the preparation of your case then please contact us 0141 374 2121. By working together we can achieve more.

3. Attending Court

When you attend Court for your initial hearing, please **arrive 15 minutes early** and dress appropriately (to show respect to the Court). Please bring your driving licence with you.

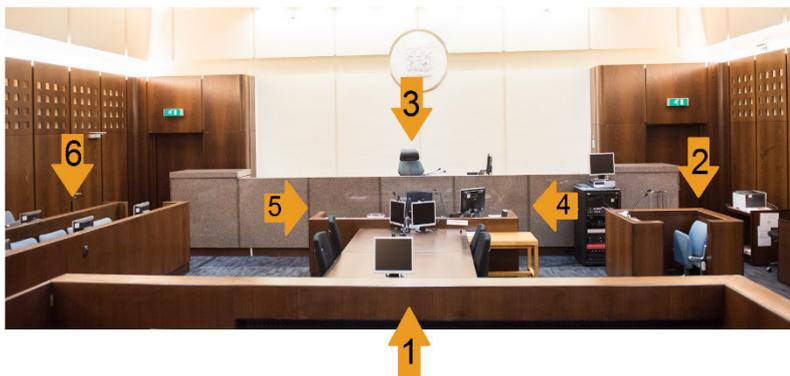
Please check in at the main reception. They will tell you what courtroom your case has been allocated to. Thereafter, wait outside or have a seat in the public gallery.

If you are attending a smaller court with no reception simply have a seat within the gallery. A representative of Scullion LAW will identify themselves to you and confirm your instructions prior to the calling of your case. **Although the hearing itself is relatively short - there may be a large volume of cases calling on that day and as such you may be required to wait some time before your case calls. Your patience is greatly appreciated and we will do all we can to move it along.**



4. The Court Hearing

When your case calls, the Court Clerk will call out your name. At this point, you must walk from the public gallery into the dock, stand and face the bench. The Court Clerk will then confirm your name and often your address too. After you have confirmed these details, please sit down and keep facing the bench. Keep your mobile phone on silent and in your pocket at all times. Your lawyer will confirm to the Court that he/she is representing you and he/ she will confirm your plea of guilty.



1. Dock
2. Witness Box
3. Sheriff or JP
4. Defence
5. Procurator Fiscal
6. Jury seating area

Once the Court have recorded your plea the Sheriff/Justice of the Peace will ask you to stand and confirm that you are pleading guilty. At this stage, we may be required to present your driving licence to the Court (please bring this with you).

If a **special reasons or exceptional hardship** argument is to be insisted upon, we will advise the Court of this and they will confirm a new Court date. You will be required to attend this for the proof to be heard. If you are *not* insisting on a special reasons or

exceptional hardship argument - then the Court will proceed to sentence. Having confirmed your plea, please sit down and let us take care of things for you from here.

After the COPFS depute has given the Court a narration of facts relating to your case – your lawyer will give a comprehensive and bespoke plea in mitigation on your behalf, to persuade the Court to be as lenient as possible when deciding your sentence. The Sheriff/Justice of the Peace will then ask you to stand as they deliver your sentence.

In more serious cases, the Sheriff/Justice of the Peace may call for social enquiry reports to ascertain more information about your background and consider all sentencing options. If reports are requested, you will be required to return to Court at a later date for sentencing but **you may be disqualified** from driving if appropriate, from the date of the trial diet with the length of any disqualification to be confirmed at the sentencing hearing.



In alcohol related cases, it is important to note the COPFS may request the Court to grant an order for seizure and forfeiture of your vehicle. If granted this allows the COPFS to take possession of your vehicle and sell or destroy it.

Although the Court have the *power* to grant such an order, we are confident that this can be avoided and indeed we have never had a case where this has been granted.

5. Bail & Court Orders

In addition to the above procedure at the initial hearing, if sentence is deferred for any reason, the Court will need to confirm your status throughout your case.

In the majority of cases the Court will declare that you are to be “ordained” which simply means that the Court orders you to attend on any dates set. However, in more serious cases the Court may wish to serve you with a **bail order**. This is an important document which sets out that the Court is granting you liberty throughout your case provided that you adhere strictly to certain conditions. **It is important to note that any breach of a bail order is a criminal offence and will result in prosecution.** Although not an exhaustive list, the conditions in a **bail order** can include the following:-

- That you attend court on the date and times requested.
- That you do not commit any criminal offence.
- That you do not interfere with witnesses.
- That you comply with the preparation of social work reports if requested.

6. Deferred Sentences

If sentence is deferred (postponed/ delayed) for the preparation of social work reports, please comply with the Social Work Department in the preparation of these.

The Court may be considering a more **severe sentence** which could include the imposition of a supervision order, an unpaid work order or even a custodial sentence.

Once all the relevant information has been gathered by the Social Work Department the report is made available to the Court (detailing information on your background). Your lawyer will also get a copy of this and will be happy to go over everything on the morning of your deferred sentence (provided you arrive up to 15 minutes prior to the hearing).

Once the Court Clerk has identified you and your case calls - the Court will hear a narration of the facts from the COPFS depute (if this hasn't already been given at the initial hearing) thereafter, your lawyer will give a comprehensive and bespoke plea in mitigation using the positive aspects of the reports, to persuade the Court to be lenient with your sentencing. The Sheriff/Justice of the Peace will ask you to stand and will confirm your sentence.

7. Proofs

A proof is a **formal hearing** similar to a trial. Evidence will be led by the defence to persuade the Court that either *special reasons exist* not to endorse your licence or that there would be an *exceptional hardship* if disqualification was imposed.

Your case will not be the only one set down for proof for that day. The cases that are ready to proceed are then put into a running order. Please note that trial diets, cases that are older or that are of a more serious nature can take priority over yours. So you may have to wait a considerable amount of time for your case to be heard. On occasion, the court may have to postpone your case (due to having too many cases to hear and not enough available court time). Please remain patient. **We will do all we can to help you.**

Once the proof is ready to proceed the Court Clerk will call your case and confirm your identity as normal. You will be required to give evidence at a diet of proof and you would ordinarily be the first witness called. You would be asked to enter the witness box where you will take the oath or affirm to tell the truth. You will then be questioned by your solicitor, then by the depute and again by your solicitor if necessary. Any other defence witnesses will then give evidence in the same fashion.

During the course of the proof, any other forms of evidence such as insurance documentation or medical records will be utilised. After all defence evidence has been led case is closed. The court will then hear submissions from both the depute and your solicitor before making a decision and confirming the verdict.

We hope this has been helpful and we look forward to being of service to you, your friends and family in the future. Thanks for trusting in Scullion Road Traffic LAW.



Keeping you driving

Call 0141 374 21 21
for expert legal advice

We are a full service firm, check out our website scullionlaw.com

CRIMINAL LAW
FAMILY LAW

PRIVATE CLIENT
WILLS & ESTATES

ROAD TRAFFIC LAW
PROPERTY LAW

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