



NINESTJOHNSTREET

CRIMINAL TEAM BULLETIN

SPECIAL EDITION

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To help ease the burden of analysing the guidance being sent out by the Crown Courts, the Criminal Team at 9SJS have prepared a bullet-point summary of the recent guidance on the listing of cases involving defendants on bail and the listing of cases in Lancashire (Particular thanks to [Mark Monaghan](#) and [Nicola Gatto](#))

1. MANCHESTER CROWN COURTS (CROWN SQUARE, MINSHULL STREET AND BOLTON)

Defendants on Bail (Guidance from HHJs Field QC, Potter and Walsh)

PTPH

- Defendant need not attend but may do voluntarily - **if defendant attends**, it is expected that he will be arraigned. If a NG plea is entered, the court will fix a trial date and give directions;
- If there is an acceptable GP, the Court will either sentence or ask for a PSR if necessary (and any other reports that are needed) and fix a date for the defendant to return for sentence;
- If plea is not acceptable, court will consider if a trial of issue is needed;
- Defendants should follow social distancing rules and be accompanied by no more than 2 people;
- Solicitors must notify court at least 3 days in advance if defendant is attending.

- **If defendant does not attend**, advocates should have instructions to indicate plea and should do so in advance, in a widely shared comment on DCS;
- If there is an indicated NG plea, then trial fixed / directions as above; if GP is indicated, the court will adjourn for PSR / sentence as above, and fix a date for defendant to attend.

TRIALS VACATED BECAUSE OF COVID-19

- Further Case Management Hearing to be listed on trial date; defendant need not attend but may do - 3 days notice required as above;
- Case will be reviewed at FCMH - possibilities of resolution to be considered. If it can be resolved, GP to be entered or indicated. Court will proceed to sentence or adjourn as above. If it remains a trial, new date and directions.

DEFENDANTS AWAITING SENTENCE AFTER CONVICTION / COMMITTAL

- Further Case Management Hearing to be listed. If plea / basis are acceptable, court will consider if all necessary reports are available, and if not, give directions.
- If the case is ready for sentence and the court is in a position to pass sentence, then a sentence date will be fixed - defendant to attend - usually within 7 days
- If not ready, court will give any necessary directions and list a further hearing as necessary

2. LANCASHIRE CROWN COURTS (HHJ Brown)

- No defendant on bail is to attend a hearing unless specifically directed to in advance; defendants are **not** therefore required to attend PTPH or first listing of sentence / committal. If defendant is pleading guilty then solicitors should explore the possibility of a Skype video link;

PTPH

- widely shared comment to be put on DCS by defence indicating defendant's position;
- If a defendant attends (in person or on the link) and pleads guilty, the court will proceed to sentence if possible - subject to reports and available cell accommodation (if required);
- If a GP is indicted, a date for sentence will be fixed, defendant to attend;
- No defendant is to be sentenced unless GeoAmey has confirmed that the custody suite meets hygiene and social distancing standards and there is safe capacity within it. There are no conference facilities in the custody suite;
- If a defendant pleads NG or their advocate indicates a NG plea, the PTPH form is to be completed and case management directions will be made;
- If an NG Plea is indicated, FCMH will be listed - usually 7 days after Stage 2 - for arraignment;
- Whether bail or custody, the Court will usually allow an adjournment (to 14 days after Stage 1) if the parties believe that there is a possibility of resolution, and will consider preserving credit;

TRIALS

- Parties should be informed by the time that the case reaches the 'firm list' date whether the case has been vacated. If vacated, there will be a mention and fix hearing. Defendants on bail need not attend, those in custody will attend by video link. A new trial date will be fixed if the case cannot be resolved
- **CTLs** - CPS should upload application / chronology to DCS. Defence to indicate (to the court or by widely shared comment on DCS) within 7 days, if the application is opposed. If the application is not opposed, the hearing can be heard without the parties present; if opposed, it will be dealt with in the usual way with the defendant on PVL;
- **Newton Hearings** - Judge will decide if suitable arrangements can be made for a Newton Hearing (depending on the extent of the evidence). If they can, a date will be fixed; if not, case will be fixed for a review hearing and further directions 6 weeks later;
- **Sentences** - Defendants in custody will attend on PVL and be dealt with in the usual way. Advocates may attend in person or by video; defendants on bail will not attend the first listing of the sentence, but a sentence date will be fixed. The defendant will be ordered to attend that hearing unless the defence provide good reasons (and must have full instructions in advance);
- **Appeals** - Sentence appeals to be dealt with in a similar way to sentences, with a review hearing fixed if the case cannot be listed for a final hearing; conviction appeals are not currently being heard, but the court will consider written representations that an appeal **should** be heard in cases of emergency;
- Bail Applications, Bench warrants and POCA hearings where the defendant is in custody to be dealt with in the usual way. **POCA hearings on bail** will initially be listed for a mention without defendant or FI - Judge will consider possibility of resolution / evidence to be called and decide whether to list the case for a final hearing (at which all parties may attend by video) or a review 8 weeks later;
- Other miscellaneous hearings (offering no evidence, change of plea etc) may be listed. If a defendant's presence is necessary, then he may attend by PVL if in custody; if on bail the Judge will consider if a specific direction requiring attendance is appropriate.

Parties are reminded of the need for pro-active engagement and for trial preparation to continue

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