



## THINKING CRIMINAL LAW

*Hopefully, no one reading this would ever choose to break the law. However, ordinary people can still make the kind of mistakes that can result in being arrested and charged with a criminal offence, with the potential consequences of having to appear in court and possibly incur a penalty.*

### **S**o, what do you do, if you've been arrested??

What to do, if you're arrested  
It's a criminal offence to resist arrest or assault police, so go quietly with the arresting officer to the police station. The police can arrest you if they have reason to think you have committed an offence or are about to.

The police can hold you in custody, while they do their investigations. This can be up to six hours (unless the police make an application for an extension of time), however some things – for example, waiting for the lawyer to turn up – won't be counted as part of the time they can hold you for. You will usually be allowed to contact a lawyer and be invited to take part in an interview. It's best to say as little as possible, until you've had legal advice.

When the police have finished with you, they can let you go, give you police bail, or charge you. If you get charged and don't get police bail, you may have to stay in custody until you can be brought to a court, so you can apply for bail. Your lawyer can apply for bail on your behalf and explain the conditions to you. If you're granted bail, it's very important that you do everything the court tells you to do, or you might stay in custody until your next court date. Plus, if you breach the conditions of your bail, it will be more difficult to get a further grant of bail.

### What happens next?

When you go to court for the first time, you'll get to say if you want to plead not guilty or guilty.

A not guilty plea means you're not admitting to the offence. The police will present their case through a prosecutor or a public prosecutions solicitor, if the matter is being dealt with in a higher court. This is where a lawyer can help, by defending you in court. The prosecution must always prove any case against you beyond a reasonable doubt. If they can't, the court will find you not guilty.

A guilty plea means you've admitted to doing the offence, but you might have good reasons for it. These would not be excuses for bad behaviour but they might show you don't deserve to have 'the book thrown at you.'

If you have pled guilty or are found guilty, the court has to make a decision about an appropriate penalty, depending on all circumstances. In either event, a lawyer can still help get the most favourable outcome possible, under the circumstances.

It's clearly not possible here, to fully explain how the criminal law works. If you've been arrested and are facing charges, it's best to see a lawyer as soon as possible, so you can get the knowledge and help you need. Talk to us, you'll be inspired!

## Thinking litigation



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thinking together

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