

Historic Allegations

Securing a Not Guilty Verdict

Jordans Solicitors LLP

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Secure a Not Guilty Verdict

The Clock is ticking from the moment you are charged with historical allegations , in fact this is the cruelest contradiction in that your accusers may have waited many decades to bring their allegations, the police may have extensively delayed their investigation but from the moment that the "charge" button is hit the clock is running against you very quickly.

You will find that very quickly you will be before the Magistrates Court and almost as soon as that is over the first appearance in the Crown Court is looming. Then you have your trial timetable with a trial date which at first instance might seem quite a way away, but invariably you will find that time moves very quickly and before you know it that trial will be looming.

Now you cannot exactly stop the bus, but you can certainly get on it early and make sure it stops at all the right places. **So how exactly do you do this?**

Steps

Step 1 – Your Solicitor - Make sure your Solicitor is the one who can provide the best representation because generally you really have one go at this. It maybe you selected the Solicitors specially , if not and for example you were allocated a Duty Solicitor you may be lucky and have a good one , but it might be your solicitor is less experienced at defending historic cases than they claim - ASK NOW for evidence that they have a proven track record it may be too late later.

Step 2 – The Team - Good representation doesn't start or end with your Solicitor and it's important to make sure that the people around them are all part of a supportive team you can rely on. For example, your solicitor might not be available on every occasion especially if they are experienced and in demand. So, who is in the team? Who can you rely on a day to day basis? It's not a problem if your day to day contact is for example a more junior fee earner provided, they are committed to your case and there is a clear supervision process. They can often do the leg work whilst your solicitor directs the case.

Step 3 – Your Advocate and early access - You will be represented at your Trial usually by either a Barrister or Solicitor Advocate which is a solicitor who due to experience can represent you in the Crown Court [your solicitor may be a Solicitor Advocate]. There is a duty to advise you upon the best level of advocate for your case and you should be given that advice. Forget about the idea of a QC unless it is a particularly complex or serious cases compared to other cases, generally an experienced advocate is more than capable of dealing with the case. What is important is what access you get to the advocate who is in charge of leading the trial preparation, you will not see them on a day to day basis and they are not there to run the case on a daily basis, but nonetheless you should be able to get regular meetings with them as the case progresses, if you are heading to your trial and you have not met your advocate something has gone wrong and it needs fixing .

Guide Disclaimer

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Step 4 – Early Preparation – What does it look like? - At the start of a case your legal team will get limited information. If you recall it is only once you get to the Crown Court that a timetable gets set. This means that it's likely that about 6 weeks after you appear in the Crown Court will your legal team actually get the evidence and sometimes some of the disclosure is delayed beyond that. If your representatives get it right, you will be part of the team and so will start to be provided the material you can see as this process continues. You will be able to help your own case by providing organised written instructions. This might include:

- A Chronology or timeline of events
- A list of players for participants i.e., in a family case who all the witnesses and how they are interrelated
- As you get evidence you can provide written instructions on the statements usually referring it by page and line number so your legal team can easily follow
- You might start to think about witnesses who might be able to assist you

Don't worry if you are not good at writing, any notes can help and if that is not possible then your legal team can instead do it in person.

This should lead to early working together allowing your legal team to start to prepare the case more clearly at a quicker speed and when you meet your advocate, they will then have a clear idea of your instructions.

Is there anything I should not do?

Try not to give repetitive instructions, the same issues and points may understandably be going around in your head but if you keep providing the same points to your legal team, they still have to consider it all and this can eat up their available time. Of course, your only concern is your case, but it is worth remembering that your team is also having to handle a lot of other cases.

Step 5 – Working Together - It is worth thinking about how you should work together and what you should expect. This should certainly include you being given access to the evidence and giving your comments upon it. If this is not happening then it needs addressing, you cannot defend yourself if you have not seen the evidence against you.

You should expect to have the opportunity to discuss that evidence with your solicitor and at least once if not more in conference with your advocate.

Step 6 – But how can I prove I didn't do it? - It's a common feature of these cases that they represent the converse of the usual burden of proof in that you are expected if you are to successfully defend yourself of having an active answer to the allegations - it is never enough to imply assert you didn't do it.

It is vital to remember that false allegations are invariably built upon a combination of real facts. Those who make up false allegations seek to twist those facts to fit their story and therefore every defence of a false allegation case should start from an analytical approach to each and every fact:

- What is the fact
- Is the fact as stated as true?
- If not, what is wrong with it?
- Where does it fit in the overall timescale?
- What evidence do you have to contradict that account?
- Have you any documentary evidence including photographs or videos that might contradict that account
- What facts can you rely on in contradiction

And applying that method you slowly build up a defence that not only denies the false allegations but advances a positive account before the jury.

Step 7 – What other records might help me? - This very much depends upon the case. In an institutional case such as a care home there may be a variety of records such as school records, social service records and educational notes which might assist a defence. In a domestic setting the records may be less apparent but there may certainly be medical records, social service records and school records. If the allegations can be dated, then it may be possible to narrow the allegations by other records such as work records if they exist or HMRC records.

There is also the question of digital evidence including social media records, text messages etc.

The key here is to thing laterally, turn the allegations on their head and consider every possibility. The law does not allow a fishing expedition you can't get every record and hope you will find something; it requires a specific approach but well advised you should be able to mount some successful requests for the records.

Step 8 – The Trial Run in- As the Trial draws near do not panic, stick to the plan and work with your team to make the final preparations, you will need a level head and there may be things arise last minute which the team will need your help with.

If you think they have missed something - then make that clear, be prepared to listen and understand if there is a good reason why some evidence cannot be used but never be arias to ask and challenge your team. Your legal team is not required to blindly follow your instructions and if they do not consider something is in your best interest, they can decline to follow that instruction.

If it's possible you will need support during the trial, if your partner is not a witness, they can do that but if they are a witness then they cannot be inside the court. You are entitled to keep a note of important points and your team should take the time to discuss each day's progress with you.

You will invariably be given an opportunity to give evidence and this is your chance to give the jury a brief snapshot of who you are. Listen carefully to the questions and answer only the question put to you, do not elaborate unless you are asked to do so. Never ever fall into the trap of arguing with the advocate cross examining you. They are trained to cross examine witnesses and do it every day of the week do not try to take them on but stick to your evidence that is what the jury are interested in.

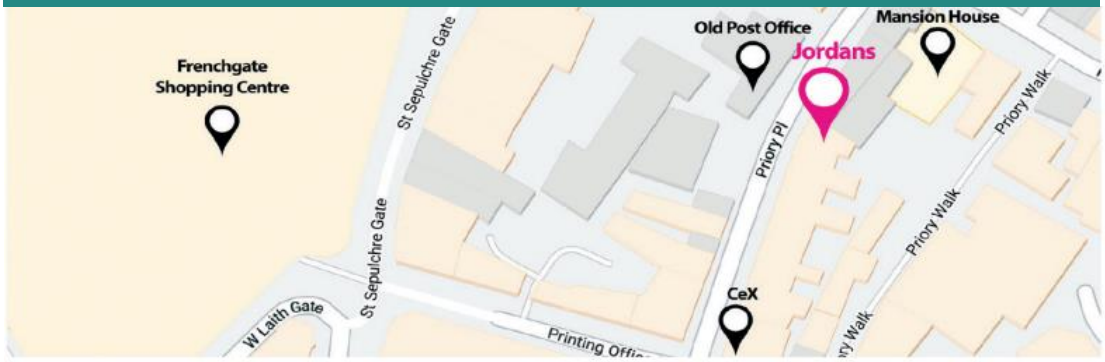
And once the evidence is finished your advocate will give a closing speech bringing all the evidence together and showing why the jury should not convict, do take time to understand the general approach your advocate will take.

Then comes the time when you must wait, it is the worse part of the process and you would definitely be best advised to have friends and family there with you to keep you company.

This is a challenging process from start to finish but if you get the right team, they should be with you every step of the way.

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