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Our Ref: LMM

To: Chambers

17th January 2012

Dear Chambers

HHJ Pert QC has issued a local Practice Direction for Leicester Crown Court

I am writing to advise you that His Honour Judge Pert QC has issued a local Practice Direction. This Practice Direction includes his guidance on active case management, credit for a guilty plea and introduces preliminary hearings.

I attach a copy of his Practice Direction for your information.

Please note that the new Practice Direction will apply to all committals and sendings which first appear before local magistrates' courts on or after 6th February 2012 and to committals for sentence which are committed on or after 6th February 2012.

The Practice Direction is issued under the Senior Presiding Judge's Case Management Initiative.

Yours faithfully

Miss Lindsey Moan

Court Manager

Enc.

LEICESTER CROWN COURT EARLY GUILTY PLEA SCHEME

PRACTICE DIRECTION

ISSUED BY HH JUDGE PERT Q.C.

Effective from 6th February 2012

The aim and objective of this Practice Direction is:

- to set out the arrangements for a defendant to plead guilty at the first reasonable opportunity and at the same time to be sentenced, enabling these cases to be prepared in a proportionate manner to the plea anticipated.
- To indicate the reduction of sentence for a guilty plea that the defendant can expect at each stage.

A: General

1. There will be active case management at each hearing of any case that has to be adjourned. Parties must be ready to indicate issues that can be agreed and/or the subject of admissions to avoid unnecessary file preparation by the police and the CPS.
2. Any basis of plea must comply with the requirements in **R. v. Underwood**. References in this Practice Direction to a guilty plea means a plea of guilty accepted by the Crown and/or the Court.

B: Cases sent to the Crown Court under Section 51 of CDA 1998

1) Preliminary Hearing

- a. Upon sending a case to Leicester Crown Court, Magistrates will direct that within 14 days there shall be a preliminary hearing in the Crown

Court in all cases. If a plea of guilty is indicated at the hearing in the court below Magistrates will direct a preliminary hearing in the Crown Court 21 days later to permit time for the preparation of a pre sentence report.

- b. A defendant who intends to plead guilty at the preliminary hearing will be arraigned.
- c. Any defendant who indicates an intention to plead not guilty at the preliminary hearing will not be arraigned and the case will be adjourned for a plea and case management hearing within 12 weeks.

Sentencing

- d. All judges will treat the preliminary hearing as the first available opportunity to enter a guilty plea as referred to in the SGC Guideline attracting a discount of 33%. The presumption that such a discount will not thereafter be available will of course be rebuttable but advocates will not find it easy to rebut.

B: Cases committed for sentence or for trial

2) Plea Before Venue Procedure

The defendant will be asked to indicate a plea at the first hearing in the magistrates' court:

- a. If a defendant indicates a guilty plea and the Magistrates consider that the case should be committed for sentence, the Magistrates will direct that the case should be listed 21 days later for a sentencing hearing at the Crown Court.
- b. If a defendant makes no indication of plea or indicates a plea of not guilty and the case is deemed not suitable for summary trial, the Magistrates will adjourn the case for preparation of committal papers.

- c. A defendant shall be committed to appear for a PCMH on a Monday not less than 6 and not more than 7 weeks later where the defendant is in custody or not less than 8 and not more than 9 weeks later where the defendant is on bail. The Crown Court will direct alternative arrangements where the PCMH would otherwise fall on a bank holiday.

Sentencing

- d. All judges will treat the plea before venue hearing as the first available opportunity to enter a guilty plea as referred to in the SGC Guideline attracting a discount on sentence in the order of 33%. The credit for a guilty plea at PCMH will be a maximum of 25%. These presumptions will of course be rebuttable but advocates will not find them easy to rebut.

Michael Pert

12/1/12