

TRIAL PROCESS



ARRAIGNMENT



Dave

@T_N_Crumpets

Judge: how do you plead?
Me: [looks at lawyer]
Lawyer: [mouths "not guilty"]
Me: hot milky

- The reading of the charge to the accused
- The accused will then enter a plea of guilty or not guilty

CROWN EVIDENCE



- The Crown first presents an opening statement summarizing its case against the accused
- Direct Evidence- usually obtained in the testimony of witnesses who actually saw the offence happen. It is the most common type of evidence.
- Circumstantial Evidence- indirect evidence, which indicates that it is highly probable the accused is the only one who could have committed the offence.
- Evidence must be proven as it is presented.

DEFENCE EVIDENCE

- Before it calls evidence it can motion for a “directed verdict” which is where the prosecutor has not proven its case. If the judge agrees, the jury will be instructed to give a direct verdict of ‘not guilty’.
- Defence only needs to establish reasonable doubt whether the accused committed the crime or not.
- The defence then can call witnesses.





"And if you enjoyed my summation you're going to love my new CD,
'The Very Best Summations of Walter J. Prescott!'"

THE SUMMATION

- After all witnesses have been called, each side present a summary of all its key arguments
- If defence presents evidence, its make summation first.
- No new evidence can be introduced.

JURY DELIBERATION



- Jury leaves the courtroom, follows the sheriff, and decides what facts they believe or disbelieve.
- Jurors follow a two step process:
 - 1. discard any evidence you do not believe
 - 2. determine the weight that they are going to give the remainder of the evidence
- Hung Jury: where a jury cannot reach a verdict, the jury will be replaced and a new jury would be selected
- When a verdict has been decided, the foreperson presents it to the court.
- If found not guilty, defendant can leave, if guilty, defendant will be sentenced then or another appearance.

SENTENCING

- The sentence given can be determined by a few factors, one of which is the victims impact statements. This is a statement read on how the offence has impacted the lives after.
- There are four goals when punishing offenders:
 - Deterrence
 - Rehabilitation
 - Retribution
 - Segregation
- Judges are also encouraged to consider reparation (repayment), which provides an alternative for sentencing.



TYPES OF SENTENCING

- **Absolute Discharge:** If sentence is less than 14 years, and is offenders first offence, and where the publicity of the offence is punishment enough, and release is immediate.
- **Conditional Discharge:** Similar to Absolute Discharge but certain conditions are added.