

Trial Script

PART ONE: OPENING OF THE COURT

1 - a *Everyone, except the JUDGE, should be in position.*

CLERK: All rise. This court is now in session.
Madam Justice / Mr. Justice _____
now presiding.

Everyone stands.

1 - b *JUDGE enters. CROWN and the DEFENCE COUNSEL bow. JUDGE sits down.*

JUDGE: You may be seated. Are all parties present?

1 - c *CROWN COUNSEL stands and introduces the case and all COUNSEL.*

CROWN COUNSEL: The case of The Queen and _____, My Lord/My Lady. I am _____ for the Crown. My learned friend _____ represents the Accused.

JUDGE: Thank you, Mr./Ms. _____.

PART TWO: CHARGE AND PLEA

2 - a JUDGE: (to CLERK) Please read the charge.
(to ACCUSED) Please rise and hear the charge.

ACCUSED, DEFENCE COUNSEL, and CLERK stand.

2 - b CLERK: _____, you are charged that on or about _____, you did unlawfully _____ thereby committing _____. How say you this charge? Do you plead guilty or not guilty?

ACCUSED: Not guilty.

Everyone sits down.

Trial Script...continued

PART THREE: OPENING STATEMENTS

- 3 - a JUDGE: (to CROWN) Mr./Ms. _____, do you wish to make an opening statement?
- CROWN: Yes, My Lord/My Lady. (presents opening statement to JURY)
- 3 - b JUDGE: (to CROWN) Thank you, Counsel.
(to DEFENCE) Mr./Ms. _____, do you wish to make an opening statement?
- DEFENCE: Yes, My Lord/My Lady. (presents opening statement to JURY)

PART FOUR: THE CROWN'S CASE

- 4 - a JUDGE asks CROWN to begin.
- JUDGE: Mr./Ms. _____, please proceed.
- 4 - b CROWN COUNSEL, who is starting the questioning, stands and gives the name of WITNESS.
- CROWN: The Crown calls _____ to the stand.
- 4 - c WITNESS takes the stand. CLERK gives the WITNESS the book for taking the oath.
- CLERK: Will you state your name to the court, please?
- WITNESS: _____
- CLERK: Do you swear the evidence you shall give this court shall be the truth, the whole truth, and nothing but the truth so help you God?
- WITNESS: I do.
- 4 - d CROWN begins questioning the WITNESS. DEFENCE must listen carefully to the questions and to the evidence given.
- 4 - e Once CROWN is finished questioning WITNESS, they inform JUDGE and turn WITNESS over to DEFENCE for cross-examination.

Trial Script...continued

CROWN: (to JUDGE) These are all the questions I have of this witness, My Lord/My Lady.

JUDGE: (to DEFENCE) Do you wish to cross-examine the witness?

4 - f *DEFENCE stands and cross-examines WITNESS, usually just on points of disagreement. DEFENCE tells JUDGE when they are finished with WITNESS. JUDGE gives WITNESS permission to leave the stand.*

DEFENCE: (to JUDGE) Those are all the questions I have of this witness, My Lord/My Lady.

JUDGE: (to WITNESS) Thank you. You may step down.

4 - g *Steps b through f are to be followed for each WITNESS.*

4 - h *When all the WITNESSES for CROWN have been called, CROWN closes his or her case.*

CROWN: That is the case for the Crown, My Lord/My Lady.

4 - i *The JUDGE acknowledges this and asks DEFENCE to start its case.*

JUDGE: (to CROWN) Thank you, Mr./Ms. _____.
(to DEFENCE) the Defence may begin.

PART FIVE: THE DEFENCE'S CASE

5 - a *DEFENCE now has an opportunity to call witnesses who are helpful to the DEFENCE's case.*

5 - b *The steps followed are exactly the same as for CROWN's WITNESS. DEFENCE stands and gives the name of the WITNESS.*

DEFENCE: The Defence calls _____ to the stand.

5 - c *WITNESS takes the stand. CLERK gives WITNESS the book for taking the oath.*

CLERK: Will you state your name to the court, please?

Trial Script...continued

WITNESS: _____

CLERK: Do you swear the evidence you shall give this court shall be the truth, the whole truth, and nothing but the truth so help you God?

WITNESS: I do.

5 - d *DEFENCE begins questioning WITNESS. CROWN must listen carefully to the questions and to the evidence given.*

5 - e *Once DEFENCE is finished questioning WITNESS, they inform JUDGE and turn WITNESS over to CROWN for cross-examination.*

DEFENCE: (to JUDGE) These are all the questions I have of this witness, My Lord/My Lady.

JUDGE: (to CROWN) Do you wish to cross-examine the witness?

5 - f *CROWN stands and cross-examines the witness. CROWN tells JUDGE when they are finished with WITNESS. JUDGE gives WITNESS permission to leave the stand.*

CROWN: (to JUDGE) Those are all the questions I have of this witness, My Lord/My Lady.

JUDGE: (to WITNESS) Thank you. You may step down.

5 - g *Steps b through f are to be followed for each WITNESS.*

5 - h *When all the WITNESSES for DEFENCE have been called, DEFENCE closes their case.*

DEFENCE: That is the case for the Crown, My Lord/My Lady.

JUDGE: Thank you, Mr./Ms. _____.

PART SIX: CLOSING STATEMENTS

6 - a *JUDGE will call short recess (5 - 10 minutes) to allow CROWN and DEFENCE to prepare their summations to the JURY.*

JUDGE: Court will recess for ____ minutes.

Trial Script...continued

CLERK: All rise. Court will resume in ____ minutes.

Everyone remains standing until JUDGE leaves the courtroom.

6 - b *When recess is over, CLERK calls the court to order again using a procedure that is similar to the original opening of court.*

CLERK: All rise. This court is now in session.

Everyone stands. JUDGE enters.

JUDGE: You may be seated.

6 - c *JUDGE asks DEFENCE to start.*

JUDGE: If you are ready, Mr./Ms. _____, we will begin summations.

DEFENCE: Thank you, My Lord/My Lady. *(presents summation to the JURY)*

JUDGE: *(to DEFENCE)* Thank you, Counsel.
(to CROWN) Please proceed, Mr./Ms. _____.

CROWN: Thank you, My Lord/My Lady. *(presents summation to JURY)*

JUDGE: Thank you, Counsel.

PART SEVEN: CHARGE TO THE JURY

7 - a *JUDGE gives instructions to JURY on its duty. (see For the JUDGE on Page 32). Then, JUDGE asks JURY to go to the JURY room to decide upon a verdict.*

JUDGE: Ladies and gentlemen of the JURY, I am going to ask you to retire to your JURY room now. Please appoint a foreperson from among your members who will deliver your verdict after your deliberations are over, if you reach a verdict.

Trial Script...continued

7 - b *The court recesses while the JURY discusses the case.*

JUDGE: Court will now recess.

CLERK: All rise. This court stands recessed.

Everyone rises and remains standing until JUDGE and JURY have left the courtroom.

PART EIGHT: RETURNING THE VERDICT

8 - a *As soon as JURY has reached a verdict, the FOREPERSON tells CLERK who informs JUDGE. Court is reconvened and JURY is called back.*

CLERK: All rise. This court is now in session.

JUDGE: (to CLERK) Please call the JURY.

8 - b *JURY returns and takes their places in the JURY Box. ACCUSED and DEFENCE stand to hear the verdict.*

JUDGE: Ladies and gentlemen of the JURY, have you reached a verdict?

FOREMAN rises to report the decision.

FOREMAN: Yes, we have reached a verdict, My Lord/My Lady. We find the Accused guilty/not guilty.

JUDGE: Thank you, members of the JURY. You are now discharged.

8 - c *JURY can leave the courtroom or remain to hear JUDGE's sentence if ACCUSED has been found guilty. If JURY found ACCUSED not guilty, proceed to 9 - d.*

PART NINE: SENTENCING

9 - a *Before JUDGE pronounces a sentence, they ask both CROWN and DEFENCE to present information about ACCUSED which will help in reaching a fair sentence. JUDGE will consider things such as the character of the ACCUSED, any previous record, letters of reference, and so on.*

Trial Script...continued

JUDGE: (to DEFENCE) Do you wish to speak to sentence?

DEFENCE: Thank you, My Lord/My Lady. (gives information)

JUDGE: (to DEFENCE) Thank you, Counsel.
(to CROWN) Do you wish to speak to sentence?

CROWN: Thank you, My Lord/My Lady. (gives information)

JUDGE: (to CROWN) Thank you, Counsel.

9 - b *JUDGE can now call a short recess while they decide upon a sentence for the ACCUSED.*

JUDGE: Court will now recess for ____ minutes.

CLERK: All rise. Court will reconvene in ____ minutes.

Everyone stands while JUDGE leaves.

9 - c *JUDGE returns, ready to sentence ACCUSED.*

CLERK: All rise. This court is now in session.

JUDGE: You may be seated.

ACCUSED and DEFENCE remain standing.

9 - d JUDGE: _____, you have been found guilty/not guilty of _____ and I sentence you to _____/you are free to go.

9 - e *Court is adjourned.*

JUDGE: This court is adjourned.

CLERK: All rise. Court is adjourned.

Everyone stands until JUDGE has left courtroom.