

People in the Courtroom



Many people are involved in a trial. This includes officers of the court, such as the Judge and the lawyers, and ordinary people, such as the Jury and many of the witnesses.



The Judge

The Judge is an impartial person with the important duty to ensure that the trial is fair. They give both sides a chance to be heard and determine if the lawyers are obeying the rules about questioning witnesses.

If the trial is by Jury, the Judge explains to the Jury:

- its task,
- the legal principles and rules which must be used to make a decision, and
- the law that Jurors should apply in the case.

In a Jury trial, the Judge cannot give an opinion about the guilt or innocence of the Accused. However, if the Accused is found guilty, the Judge will determine the sentence for the crime.

If the trial is by Judge alone, the Judge will:

- determine the guilt or innocence of the Accused, and
- determine the sentence if the Accused is found guilty.

The Judge may also offer an opinion about the weight to be given to the evidence and about the credibility of the witnesses.



Court Clerk

The Court Clerk helps the Judge run the trial in an orderly manner. The Clerk's duties include calling the court to order, reading the charge to the Accused, and swearing in the witnesses.



Jury

Jurors are regular people from the community. To select the twelve people that will form a Jury, a large pool of people is chosen at random. Lawyers from both sides decide who from this pool will be suitable for the Jury. The Jury's duty is to decide whether or not the evidence proves the guilt of the Accused "beyond a reasonable doubt."



Crown Counsel

The Crown Counsel is the lawyer that represents the state in a trial. It is the Crown and not the victim who prosecutes the crime because crimes are harmful to everyone in society.

Although the onus is on the Crown to prove the case, their interest is not in obtaining an acquittal or conviction. Instead, the Crown's role is to help the court discover the truth by placing facts about the crime before the court. Presenting these facts allows the court to decide upon the guilt or innocence of the Accused. The Crown must prove all the elements of the offence "beyond a reasonable doubt" for the Accused to be found guilty.



People in the Courtroom ...continued



Defence Counsel

The task of Defence Counsel is to ensure that the rights and interests of the Accused are protected. The Defence tries to show the Jury that the Crown has not proven that the Accused is guilty. They do this by cross-examining the Crown's witnesses and, if necessary, by calling witnesses.

Because the Accused is presumed to be innocent, the Defence does not have to prove anything. (In fact, the Defence does not have to call any witnesses because of the Accused's right to remain silent.)



Witnesses

Witnesses are people who were somehow involved in the crime. This can include the victim or those who were at the scene and saw the events happen. Witnesses are questioned by the lawyers and are required to answer truthfully. To ensure that witnesses understand the importance of telling the truth, each must swear an oath on a Bible to tell "the whole truth and nothing but the truth" before testifying. Witnesses who do not wish to swear on a Bible can instead provide an affirmation that they will tell the truth.



The Accused

The Accused is the person charged with breaking the law. Because the Accused has the right to remain silent, the Crown cannot call him or her to the stand to testify. If the Accused is going to testify they will be called by the Defence Lawyer. However, the Accused may choose to give evidence if they have a defence or information that would help avoid conviction.

If the Accused chooses to testify, the Defence examines the Accused, then the Crown Prosecutor has the right to cross-examine. The Accused must answer all questions that are properly asked.



Exhibits

Sometimes an object that is important to the trial has to be produced in court. If the charge is theft, for example, the item that is thought to have been stolen will be entered as an exhibit. Witnesses must identify it, tell who it belongs to, and describe what happened to it before and after it was recovered. Once the object has been properly identified, the Clerk, on the direction of the Judge, will label it with an exhibit number to make the item part of the official record of the trial.