

- Trial pits the Crown against the Accused
- The "Burden of Proof" is on the Crown
- An obligation to prove the accused "guilty beyond a reasonable doubt"



- Trial begins with the judge explaining the jury's role
- Judge asks Jury to pick a fore person
- Fore person represents the jury and communicates with the judge



 Fore person leads the jury's discussions and delivers a verdict



# The Crown's Opening Statement

- Crown always goes first
- Identifies the offence committed
- Summarizes the evidence



# The Crown's Opening Statement

- Outlines the way the crown will present its case
- Evidence is presented after the opening statement



#### The Crown's Evidence

- First Questions are called Direct Examination
- The Crown will ask open-ended questions to witnesses about what they experienced with regards to the crime.



#### The Crown's Evidence

 Then the defence gets to cross examine the witnesses with any type of questions, including leading ones



#### The Crown's Evidence

 The purpose of this is to test the accuracy of the witnesses testimony and weaken the Crown's case



# The Defence's Opening Statement

- The Defence summarizes their case.
- The Defence calls witnesses that they directly examine and the crown crossexamines



# The Defence's Witnesses

 The Defence witnesses usually refute the testimony of Crown witnesses and raise reasonable doubt



# The Defence's Witnesses

 The Accused may testify on their own behalf, but do not have to.



#### The Defence

- After the Defence's case the Crown may rebut any new evidence
- And then the Defence may subrebut the Crown's rebuttal and present further evidence



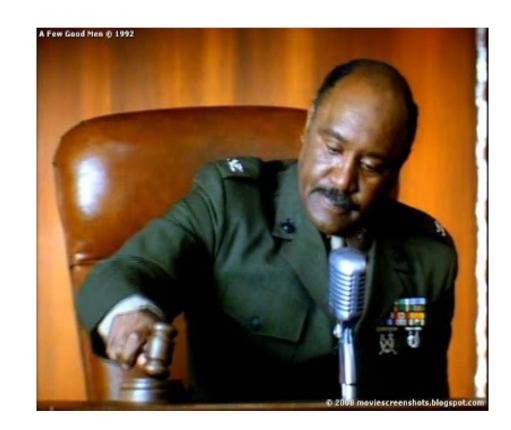
#### The Rules of Evidence

 During the trial either the Crown or the Defence can object to questions asked by opposing counsel or answers given by witnesses



#### The Rules of Evidence

- When the objection is made the judge decides on the outcome.
- Sustained= inadmissable
- Overruled=Admissab le



# Common Reasons for Objections

### **Leading Question**

- that suggest to a witness a particular answer
- Not permitted in direct examination



Common Reasons for Objections

**Hearsay Statements** 

 Counsel can ask about what they saw or experienced, not something they heard from a third party



Common Reasons for Objections

### **Opinion Statements**

- Counsel cannot ask witnesses to give evidence on something that is beyond common knowledge if the witness is not a recognized expert.
- My Cousin Vinny 1:37



# Immaterial or Irrelevant Answers

 Have no connection to the matter at hand



#### Non Responsive Answers

- When the counsel asks a question and the witness responds, but doesn't answer the question
- The Judge will direct the witness to answer the question

