

# Criminal Trial Process



# Criminal Trial Process

- 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”



# Criminal Trial Process

- 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



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



# Criminal Trial Process

## The Crown's Opening Statement

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



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## The Crown's Opening Statement

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



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## 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.



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## The Crown's Evidence

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





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## The Crown's Evidence

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



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## The Defence's Opening Statement

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



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## The Defence's Witnesses

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



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## The Defence's Witnesses

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



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## 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



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## 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



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## The Rules of Evidence

- When the objection is made the judge decides on the outcome.
- Sustained= inadmissible
- Overruled=Admissible



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## Common Reasons for Objections

### Leading Question

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





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## Common Reasons for Objections

### Hearsay Statements

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



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## 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



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## Immaterial or Irrelevant Answers

- Have no connection to the matter at hand



# Criminal Trial Process

## 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

