

HTS Mock Trial – Trial Procedure

1a. Bailiff escorts judge to bench and calls order.

1b. Court Deputy: *"Order, all rise"*

1c. Court Clerk: *"Oyez, Oyez, Oyez, Anyone having business before the Queen's Justice of the Ontario Court of Justice draw near and you shall be heard. Long live the Queen."*

2. Counsel stand to identify themselves (Crown followed by Defence): *"Good afternoon your Honour. My name is _____ and I'll be acting as Crown/Defence Counsel today. To my right are my co-counsel, _____, _____ and _____."*

3a. Court Clerk: *Will the defendant please stand.* [The defendant stands. The defence counsel also stands.]

3b. Court Clerk reads the indictment and accused pleads to charges.

Bernie MOOSE, on or about the 22nd day of June in the year 2014, in the City of Yourtown in the Region of Yourtown, stands charged for committing an assault on Toni Baluzzo causing bodily harm to her/him, contrary to section 267(b) of the Criminal Code.

How say you to this charge? Do you plead guilty or not guilty?

3c. Court Clerk: *You may be seated.* [The defendant and the defence counsel sit.]

4. Note: The defence should make an application to have the accused sit at counsel table. *"Your Honour, at this time the Defence would ask that the accused be permitted to sit at counsel table so that he/she can communicate with his/her representation throughout these proceedings."*

5a. Crown Counsel makes opening statement.

5b. Defence Counsel exercises option to make opening statement now or after the Crown rests.

6a. Note: The Crown should ask for an order to exclude witnesses from the courtroom before the first witness is examined. *"Your Honour, at this time the Crown would like to ask that an order to exclude witnesses from the courtroom be made."*

6b. Crown calls witness: *"The Crown calls _____."*

6c. Deputy swears in witness: *"Will you state and spell your name to the court please?"*

After the name is given, the oath is given:

a) "Do you promise to tell the truth as you know it concerning this matter?"

or

b) Do you wish to swear an oath, or to take a solemn affirmation?

b.i) "Do you swear that the evidence to be given by you to this court between our Sovereign Lady the Queen and the accused shall be the truth, the whole truth, and nothing but the truth, so help you God?"

b. ii) "Do you solemnly affirm that the evidence to be given by you to this court between our Sovereign Lady the Queen and the accused shall be the truth, the whole truth, and nothing but the truth" (For those who object to swearing an oath to God)

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- 6c. Crown examines witness (direct examination).
7. Defence examines witness (cross-examination).
8. Steps 6 – 7 are repeated for each Crown witness.
9. Defence makes opening statement.
10. Steps 6 – 7 are repeated for each Defence witness with Defence conducting direct examination and Crown conducting cross-examination.
11. Defence presents closing arguments.
12. Crown presents closing arguments.
13. Judge leaves.
14. Court adjourns briefly to await return of judge.
15. Judge returns and tells the accused that he or she is 'guilty' or 'not guilty'.