

Mock Trial: Sequence of the Trial

1. Opening of Court:

As the judge enters the courtroom, the bailiff (or clerk if bailiff is not present) announces in a clear voice: "All rise, this court is now in session. The honourable judge(s) _____ presiding. Everyone rises and stands until the judges sit.

Judge: "In the case of the Crown versus _____, is the Crown ready?"

Crown attorney: "The Crown is ready, your Honour."

Judge: "Is the Defence ready?"

Defence attorney: "The Defence is ready, your Honour."

Court clerk stands: "Would the accused rise." Clerk reads the indictment and remains standing until he has entered his plea.

Clerk: (to the accused) "How to you plead?"

Accused: "Not guilty, your Honour."

Clerk: "Let the record show that the accused has entered a plea of not guilty."

2. Swearing in the Jury:

Clerk administers oath and affirmation to the entire jury as one:

"The Jury will rise, raise your right hands and be sworn in. Do you solemnly swear that you will well and truly try the issues now being given to you; that you will neither speak anything to anyone of the business or matters you have in hand, nor will you let anyone speak to you about the same but in court and when you have agreed upon any verdict, you will keep it secret until you deliver it up in court? Do you all swear?"

Jury: (as one) "I do."

Clerk: "You may be seated."

Judge: Instructs the jury about their role and obligations throughout the trial.

3. Crown's Opening Statement:

Judge: "Does the Crown have an opening statement?"

Crown attorney: (rising) "Yes, your Honour." Make opening statement and sit down.

4. Defence's Opening Statement:

Judge: "Does the Defence have an opening statement?"

Defence attorney: (rising) "Yes, your Honour." Make opening statement and sit down.

5. Direct and cross-examination of Crown witnesses:

Judge: "Will the Crown call its first witness?"

Crown attorney: (rising) "The Crown calls _____ to the stand."

Clerk: "Will you state your full name for the court please? Do you solemnly swear that the evidence you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?"

Witness: "I do."

Clerk: "Be seated."

Crown attorney examines witness and when completed, turns to Defence: "Your witness," or "No further questions, your honour."

Defence attorney cross-examines Crown witness and, when completed, announces, "No more questions, your Honour."

Judge: "The witness may step down. Does the Crown have any further witnesses?"

Crown attorney: "Yes, your Honour. We call _____ to the stand."

Process repeats itself until Crown states, "No more witnesses, your Honour. The Crown rests."

NOTE: AT THIS POINT, THE DEFENCE MAY MAKE A MOTION FOR DISMISSAL, IF THEY THINK THE CROWN HAS NOT SUFFICIENTLY PROVEN ITS CASE. THIS IS RARELY SUCCESSFUL, BUT IS SOMETIMES ATTEMPTED JUST TO MAKE AN IMPRESSION ON THE JURY.

6. Direct and cross-examination of Defence witnesses:

Judge: "Will the Defence call its first witness?"

Defence attorney: (rising) "The Defence calls _____ to the stand."

Clerk: "Raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you?"

Witness: "I do."

Clerk: "Be seated."

Defence attorney examines witness and when completed, turns to Crown: "Your witness."

Crown attorney cross-examines Defence witness and, when completed, announces, "No more questions, your Honour."

Judge: "The witness may step down. Does the Defence have any further witnesses?"

Defence attorney: "Yes, your Honour. We call _____ to the stand."

Process repeats itself until Defence states, "No more witnesses, your Honour. The Defence rests."

7. Closing arguments:

Judge: "Does the Crown wish to make a closing statement?"

Crown attorney: "Yes, your Honour." (Proceed with statement.)

Judge: "Does the Defence wish to make a closing statement?"

Defence attorney: "Yes, your Honour." (Proceed with statement.)

8. Charging the jury:

Judge: (turning to the jury) Deliver charge to the jury.

Jury is sequestered and retires to deliberate.

9. Jury deliberation and verdict:

Jury sends message that it has reached a verdict returns to courtroom.

Judge: "Has the jury reached a verdict?"

Jury foreperson (selected by jury): "Yes, your Honour, we have."

Judge: "Will the jury please read the verdict."

Jury foreperson: “Your honour, in the matter of the Crown versus _____, the jury finds the defendant (guilty / not guilty) of the charge of _____.”

10. Passing sentence: (optional)

Judge: If verdict is not guilty of the charge; “I order that the defendant be released immediately. You are free to go, Sir.”

Judge: If the verdict is a finding of guilt, the judge may adjourn or may immediately entertain the submission of a pre-sentence report and / or a victim-impact statement. Judges often ask both the Crown and the Defence for submissions related to the type or length of sentence, which, in their opinion, would constitute a reasonable and appropriate sentence for the convicted person.

Judge: Considers evidence (in his / her chambers) and determines appropriate sentence.

Clerk: Reconvene court after stipulated interval – “All rise, this court is now in session.” Everyone stands until judge is seated. “You may be seated.”

After judge’s return, he / she announces: “Will the defendant rise.” Reads his / her sentence.