

FORT CALGARY

Criminal Trials: A Teacher's Resource for Mock Trials

This information has been compiled as an additional resource for teachers who have booked the Fort Calgary program, Mountie CSI part II: The Trial. It consists of two parts:

- Principle and Rules of Criminal Trials
- Glossary

Rules of Criminal Trials:

Principle: THE ACCUSED IS PRESUMED INNOCENT UNTIL PROVEN GUILTY

-The Judge and Jury must consider that the accused is innocent at the start of the trial. It is the Crown's job to call evidence that convinces the jury that the accused is guilty.

-It is very important to avoid convicting an innocent person; therefore the Crown must prove *beyond a reasonable doubt* that the accused committed the crime.

-The accused has the right to remain silent.

-Evidence must be presented correctly. The facts jurors use to make their decision come from witnesses. There are several rules about how questions can be asked, and how evidence can be presented to ensure a fair trial:

-No hearsay: A witness may only describe what they saw or experienced.

-No opinion: A witness may not give an opinion about things which aren't common knowledge unless they are an expert in the field. (The jury can look at the expert's qualifications to decide how accurate their opinion might be).

-No leading questions: Witnesses must be allowed to tell their own stories without being prompted by lawyers

-Physical evidence: there are often objects which have something to do with the case. Lawyers cannot question objects though, so there must be a witness who can introduce the each evidence (called exhibits), and explain its connection to the case.

It is a principle of our system that a person may choose to be judged by ordinary people, who have no special training in the law (the jury). Jury trials are available only for the more serious offenses. A jury trial consists of the following parts:

1. Opening Formalities: Call to order, Introduction of Case and Counsel (lawyers)
2. Reading of the Charge and Entering the Plea
3. Case for the Prosecution; Examination and Cross-Examination
4. Case for the Defense; Examination and Cross-Examination*
5. Summation and Argument (both lawyers give their final statements)
6. Charge to the Jury (see glossary)
7. Return of Verdict
8. Sentencing (if necessary)

*NOTE: In the real trial of King vs. Cashel, Mr. Nolan, representing the defendant, did not enter a Case for the Defense. He instead tried to discredit the Prosecution during cross-examinations. Thus, the mock trial at Fort Calgary only has the Case for the Prosecution.

Glossary

- Accused: the person who is suspected of breaking the law
- Charge: when a person is accused of breaking a law, a charge must be made. It is a statement of the exact law that has been broken.
- Charge to Jury: after all the evidence has been presented in a trial, the judge addresses the jury. He/She explains to them what their responsibilities are.
- Counsel: the lawyers in a trial.
- Crown Prosecutor: the lawyer who acts on behalf of the government in a criminal trial
- Defense Counsel: the lawyer who protects the rights of the accused and acts on their behalf in a criminal trial
- Examination: when counsel questions the witnesses during a trial. There are two types, Direct and Cross. *Direct* examination is when the counsel is questioning a witness that they called to the bench. *Cross-Examination* is when the counsel is questioning a witness that the other lawyer called to the bench.
- Exhibit: documents or items that may be important to the trial. It must be introduced through a witness.
- Mock Trial: A simulated trial conducted by students to understand trial rules and processes.
- Offense: a crime
- Plea: the person who is accused of an offense must state whether they are guilty or not guilty.
- Summation: after all the witnesses have been examined each counsel addresses the jury directly.