

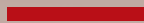


JUDICIARY

TRINIDAD AND TOBAGO

A group of five people (three men and two women) in a courtroom setting, overlaid with a semi-transparent red filter. They are looking forward with serious expressions.

THE JUROR'S HANDBOOK





THE JUROR'S H A N D B O O K

INTRODUCTION

CALLED FOR JURY SERVICE

You have received a jury summons and have either not sought an exemption, or have been refused exemption. You should immediately inform your employer, if employed. Read your summons carefully and ensure that you are at the designated Court on the date and time requested.

Q. When am I expected to serve and for how long?

A. Usually you will serve for a period of one month. However, when you attend Court, you may or may not be selected to sit on a particular case. If you are selected, you will serve until that case ends. If you are not selected, the Judge, referring to you as an awaiting juror, will tell you when to return to Court. When the trial on which you are serving comes to an end, the Judge will discharge you.

Q. What happens if I do not attend or I am late?

A. Your jury summons requests that you attend Court for jury service on the date and at the time indicated. If you are not there when your name is called, you are liable to be fined by the Judge and in default of payment ordered to serve a term of imprisonment.

PAYMENT

Persons summoned to appear as jurors in the Criminal Courts shall be paid a subsistence allowance of \$10 for every day he/she attends Court. A juror who uses public transportation to and from Court shall be reimbursed all costs reasonably and necessarily incurred. A juror who uses his/her private vehicle to travel to and from Court sittings is paid allowances for the use of the vehicle as are normally paid to public officers under the Travelling Allowances Act.

AT THE COURTHOUSE

Q. Where do I go when I arrive at the Court Building?

A. Read your summons carefully paying particular attention to the location to which you are summoned: Port-of-Spain, San Fernando or Tobago. There will be both Criminal and Civil



Courts in session. You must therefore check with the Criminal Registry to find out which Criminal Court you have been assigned. A jurors' list for each Court is posted outside the Criminal Registry indicating to which Court you are assigned.

Q. What happens when I go to the Criminal Courtroom to which I have been assigned?

A. The Clerk of the Court will conduct a roll call of all jurors assigned to the Court. Once your name is called you are to indicate your presence by answering to your name. If you do not hear your name, indicate to the Clerk of the Court at the appropriate time. You may be in the wrong Courtroom. If the Clerk of the Court does not ask, or you have any other problems, check with the Marshal's Assistant. **DO NOT SIMPLY LEAVE!**

Q. How do I know if I have been selected to sit on a particular case?

A. The procedure is as follows:

1. The Clerk of the Court will call the cases on the list. Some may be adjourned but one usually begins;
2. At the start of the trial the Clerk of the Court will read the charge to the accused, referring to the accused as Prisoner at the Bar, and will then ask the accused if he/she is guilty or not guilty. If the accused pleads "Not Guilty", a jury will be empanelled (selected) and the trial will begin;
3. Empanelling the Jury
Each juror is assigned a number and a corresponding number is engraved on a disc/counter. These discs/counters are placed in a box by the proper officer of the Court, who will select one disc/counter at a time and call the name of the juror, who bears that number. As your name is called, you go to the jury box and occupy the first seat in the box or the next available seat as the case may be. You do not skip a seat.
4. The Judge's usher will administer the juror's oath and you will stand, raise your right hand and read the oath aloud, or you may affirm.



Number of Jurors

For cases in which the penalty for the offence is death by hanging 12 jurors are required. For any other case, 9 jurors are required. Additionally, the trial judges have a discretion to select a maximum of 6 alternate jurors.

CHALLENGES

After you have been selected and before you are sworn; you may be challenged by either the prosecution or the defence attorney. You may not be given a reason but you must step down and return to your seat in the public gallery of the Courtroom. You must not leave. You should not be offended by this, as it is not a personal reflection on you. Challenges to jurors are part of the legal system. The purpose of which is to ensure that there is absolute fairness in the proceedings.

Each party (that is, prosecution and each accused) is allowed three (3) pre-emptory challenges that is a challenge without giving a reason. There may also be a challenge for cause (that is, for some definite reason given and proved). After all the jurors have been sworn (12 for a capital charge and 9 for any other charge), you will be asked by the Clerk of the Court to elect a Foreman (male or female).

THE FOREMAN

Q. How is a Foreman elected?

A. The Foreman is elected by the jurors conferring quickly in the jury box. Once the foreman has been chosen the jurors should indicate to the Court that a Foreman has been elected. The Foreman will then be directed to exchange places with the person in the first seat.

What are his/her duties?

A. The Foreman will be the person who will speak on behalf of any juror, who may wish to ask a question of the Judge or Marshal, and will announce the verdict in Court. He/She is the chairman of the jury and will ensure that the discussions in the jury room are orderly and sensible and that full and fair consideration is given to the case. Each juror should be allowed to contribute to the deliberations. The Foreman, therefore, should be someone who is capable of performing these tasks. When you have chosen the Foreman, you are now fully empanelled.



THE CRIMINAL TRIAL PROCESS

The trial then proceeds as follows:

1. **Arraignment**

The prisoner is put in the charge of the jury that is, the Indictment is read out and you are called upon to "harken to the charge" and "harken to the evidence." This means to listen carefully to the charge and to the evidence.

2. **Prosecution's Opening Address**

The Attorney for the prosecution makes an opening speech and outlines the case for the State.

3. **Prosecution's Witnesses**

The prosecution calls witnesses, some of whom may produce documents and other exhibits. Each witness may be cross-examined by the Attorney for the defence and re-examined by the prosecution.

4. **Legal Arguments**

During the trial, legal issues may arise which will have to be done in the absence of the jury. When this happens the jury is taken to the jury room in the care of the Marshal's Assistants. Sometimes these legal arguments can take an entire day or days, in this case the Judge will tell you when to return advising that you are not to discuss the matter with anyone.

5. **No Case Submission**

When the prosecution closes its case, the defence may submit that there is no case for the defence to answer. The Judge, therefore, will have to decide whether this is so or not. If the Judge upholds this submission, he will direct the jury to return a verdict of "Not Guilty." If he does not uphold the submission or if no submission was made, the Judge calls on the defence to present its case.

6. **Defence's Opening Address**

The defence makes its opening address to the jury and calls its witnesses.

7. **Right of the Accused**

The accused has a legal right either to remain in the Dock and say nothing or go into the Witness Box, give evidence on oath or affirmation and be subject to cross-examination by the prosecution.

8. **Defence Witnesses**

The defence may call witnesses who may be cross-examined by the prosecution and re-examined by the defence.

9. **Addresses.** Both sides may address the jury after all the evidence has been presented.

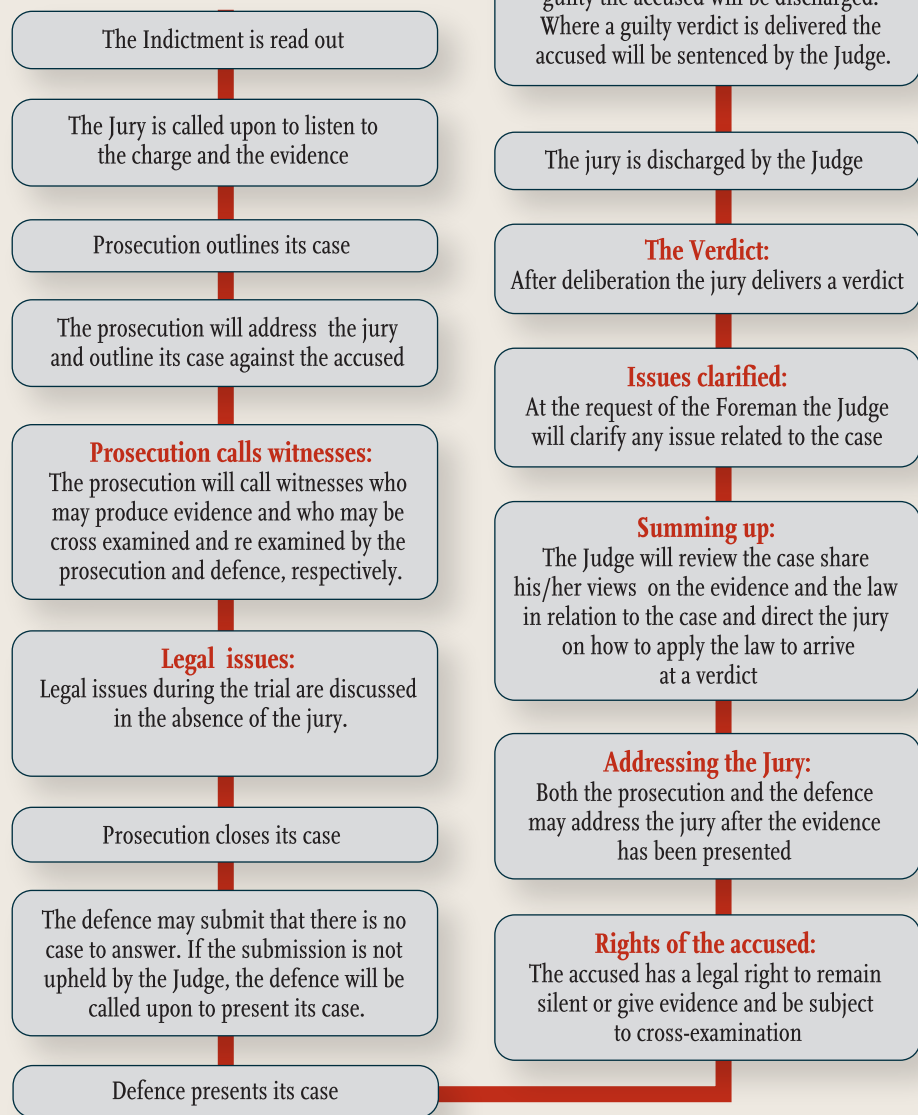


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10. **Summing Up.** The Judge will sum up the case to the jury. He will review the evidence and he may express his view on any evidence. The jury may choose to accept or reject the Judge's view. He will also tell the jury what the law is in relation to the particular case and guide them as to how they should apply the law to the facts as they see them in order to arrive at their verdict. The jury is bound to accept the Judge's directions on the law.
11. **After the Summing Up.** When the Judge has completed the summing up, the Clerk of the Court will ask the jury whether they have arrived at a verdict on which they all agree or whether they wish to retire and consider their verdict. If the jury wishes to retire, they will be placed in the care of the Marshal's Assistants, who will take an oath to keep the members of the jury safe, and to allow no one to speak to them except the Marshal or his Assistants and only to inquire if they have agreed on a verdict.
12. **Issues Clarified.** Sometimes, while in deliberation, some of the jurors may need to have some issues clarified. In these circumstances, their Foreman will tell the Marshal's Assistant who will inform the Judge. The Judge will be very pleased to help by having the jurors brought back into Court and clarify the matter after which the jury may return to its deliberations.
13. **Time to arrive at verdict.** The jury will have four hours to arrive at a verdict on which they have all agreed. However, they may arrive at a verdict before the time is up. If so, they must inform the Marshal's Assistants that they are ready, without telling him or her what their verdict is. The jury may find that the time is up and that they have not arrived at a verdict on which they have all agreed. The Marshal's Assistant will knock on the door of the jury room and inform them that the time is up. The jury will then be brought back to the Courtroom where the Foreman will then indicate, in answer to the Clerk of the Court, that they have not so arrived at a verdict on which they have all agreed. Thereafter, the Judge will ask them if they think that any useful purpose will be served by their returning to the jury room for further deliberations. The Foreman will answer. Based on this answer, the Judge will act appropriately. In Capital cases for example, Murder and Treason, the verdict of the jury must be unanimous (that is, all jurors must agree).
14. **Majority Verdict.** There can be no majority verdict in Capital cases. However, in Non-Capital cases the Judge may, at the expiration of three hours, accept a majority verdict.
15. **Discharge.** Once a verdict is arrived at the Judge will thank the jury for their service and discharge them.
16. **Sentence/Discharge of the Accused.** Where the jury delivers a verdict of not guilty the accused will be discharged. Where a guilty verdict is delivered the accused will be sentenced by the Judge.



The flow chart summarises the Criminal Trial Process





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A publication of

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2017