

Trial Procedures



EVIDENCE

What is the point of Evidence?



- Evidence is the way in which the Crown and the defence try to reconstruct the chain of events.
 - (Example: How the jury in 12 Angry Men used evidence to piece together the events of the night of the murder)
- The evidence tries to convey the **facts** to the court so that a judgement can be announced.
- Only **relevant** evidence is usually admissible



- Evidence can be excluded from the trial if proper procedures during the investigative process are not followed.

Types of Evidence: Direct, Circumstantial, Physical

- **Direct Evidence**

- Evidence given by a witness
- usually a verbal description of what the witness knows about the events.
- The way a witness describes and interprets the event depends on the individual's personal filters (what they saw, heard, smelled or felt about an event)
- [Eye Witness Reliability](#)

Direct Evidence cont...



- The witness first tells his/her story to the court in examination in chief.
- **Examination in chief:** oral examination of witness by the lawyer who summonsed the witness to testify
- The witness is then subject to **cross examination** by the opposing lawyer.
- **Cross examination:** oral examination of a witness by a lawyer who did not summons the witness to testify, designed to challenge the witnesses' evidence

Circumstantial Evidence



- Indirect evidence that links the accused to the crime.
- For example, something belonging to the accused may have been left at the crime scene but there is no direct evidence to prove that the accused actually committed the crime.

Physical Evidence



- **Hair, fingerprints, bodily fluids, etc**
 - (From previous lesson)

Hearsay



- **Hearsay:** Evidence consisting of matters that a witness was told
- Witnesses cannot testify about indirect knowledge
- **Example:**
 - Dan assaults Dylan.
 - Paul was there to see it.
 - If Jesse, testifies that Paul told her that Dan assaulted Dylan it is deemed second hand information and therefore **hearsay**.

Voir Dire



- a mini-hearing held during a trial on the admissibility of challenged evidence.
- **Example:** a defendant may object to a plaintiff's witness. The court would suspend the trial, immediately preside over a hearing on the standing of the proposed witness, and then resume the trial with or without the witness, or with any restrictions placed on the testimony by the judge as a result of the voir dire ruling. In a jury trial, the jury would be excused during the voir dire.