

The Jury





- People who are charged with a certain serious **indictable offence** have the option of trial before a judge and jury.
- In a jury trial, findings of **fact** are made by the jury.
 - Judge lays out the law and any legal test that has to be met in order to find the person guilty.
 - The jury will apply the **facts** as they find them and determine if those facts meet the legal test for guilt or innocence.



- “The jury through its collective decision making, is an excellent **fact finder**; due to its representative character, it **acts as the conscience of the community**; the jury can act as the final barricade against oppressive laws or their enforcement; it provides a means whereby the **public increases its knowledge of the criminal justice system** and it increases, through the involvement of the **public, societal trust** in the system as a whole”

Facts



- There are **12** members
- Must be a good cross section of society and good fact-finders
- Chosen by both Crown and defence



- **Jury Array:**
 - pool of potential jurors assembled under provincial legislation; also called jury panel or jury roll
 - This process occurs in the early part of jury selection
- **Who is eligible?**
 - Generally people 18 years of age and older
- **Who is NOT eligible?**
 - Lawyers, doctors, law students, veterinary surgeons, people in the legal profession.



- **Empanelling a jury:**

- Once the jury array has been assembled by the Sheriff, groups of potential jurors are convened for selection.
- The jury array may be challenged by the Crown or the defence, but only on the grounds of partiality, fraud, or willful misconduct by the sheriff.

Jury Challenges



- **Peremptory Challenge:**

- The procedure by which the defence or Crown can reject a potential juror without giving reasons
- Authorized by the Criminal Code

- **Challenge for Cause:**

- Here potential jurors are challenged if either the Crown or the defence believes they will not fulfill the responsibilities of jury duty.
- The grounds justifying a challenge for cause are set out in the Criminal Code.
- The most frequently used example is the Crown or defence say that the jury (jurors) are not impartial.