
TRIAL PROCEDURE FOR AN INDICTABLE CRIME TEACHER RESOURCE

The term indictable crime reflects the seriousness of the allegation against the accused person. The District Court and Supreme Courts are responsible for indictable crimes. The Magistrates Court is responsible for summary crimes.

The Supreme and District Courts of Western Australia are responsible for dealing with indictable criminal matters.

Instructions: Refer to the sentences at the end of the activity to complete the flow chart.

- 1. Orderly ushers the Judge into Court. Judge opens the case.**
- 2. Clerk of Arraignment reads the indictment (charge) and asks the Accused how s/he pleads; "guilty" or "not guilty".**

IF THE ACCUSED PLEADS GUILTY S/HE MAY BE SENTENCED IMMEDIATELY OR SENTENCING MAY BE REMANDED TO A FUTURE DATE.

IF ACCUSED PLEADS NOT GUILTY



- 3. State Counsel presents Opening Address**
- 4. Defence Counsel presents Opening Address (optional)**



- 5. State Counsel presents witnesses**
- 6. Examination in chief (State Counsel)**
- 7. Cross examination (Defence Counsel)**
- 8. Re-examination (State Counsel)**



9. Defence Counsel presents Opening Address if not already done and the Accused intends to give or adduce evidence. (optional)

10. Defence Counsel presents witnesses (Optional) 11. Examination in chief (Defence Counsel)

12. Cross examination (State Counsel)

13. Re-examination (Defence Counsel)



14. State Counsel presents Closing Address.



15. Defence Counsel presents Closing Address.



16. Judge summarises evidence as agreed by both parties and instructs jury on matters of law.

17. Jury retires to deliberate.

18. Jury returns a verdict.

IF THE JURY RETURNS A GUILTY VERDICT:

The Judge may sentence immediately or sentencing may be remanded to a future date.

IF THE JURY RETURNS A NOT GUILTY VERDICT:

The Accused is free to go.