

Detailed Order of Proceedings

The Magistrate knocks on the door to indicate that they are ready.

As the Magistrate enters the court room the Court Officer says:

“Silence. All stand.”

The Mock Trial participants and the audience stand.

The Magistrate enters and bows. The participants bow.

The Magistrate sits.

The Court Officer announces:

“Please be seated.”

The Mock Trial participants and the audience sit.

The Court Officer announces:

“This Mock Court is now sitting.”

The Magistrate's Clerk calls the case:

“Police against (insert the surname of the defendant)”.

The Magistrate asks for appearances in the matter.

The prosecution's first barrister then stands and says:

“If your Honour pleases, my name is X, and I am appearing with my learned friend, Y (the name of the other barrister) for the prosecution. We are instructed by Z (the name of the instructing solicitor)”.

The prosecution's first barrister then sits.

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The defence's first barrister then introduces the defence team in the same way.

The prosecution's first barrister then stands and delivers the opening address on behalf of the prosecution.

In civil matters the defence's first barrister then stands and delivers the opening address on behalf of the defence.

The Magistrate asks the prosecution to call their first witness.

The prosecution's first barrister calls the first witness by saying:

"I call . . .".

The Court Officer then stands, walks outside the court room, calling the witness's name three times, and escorts the witness to the witness stand taking care not to walk between the barristers and magistrate.

Whilst this occurs the Magistrate requests the prosecution team to make available for the defence team three copies of the statement of the first prosecution witness.

The Magistrate's Clerk obtains the copies of the statement and provides them to the defence team.

The defence team examines the statement. The defence team keeps the statements.

The Court Officer then swears the witness by saying:

"It is your duty to assist the Court in these proceedings by faithfully answering the questions put to you. Do you understand this?" (A bible should not be used to swear witnesses.)

The witness replies:

"Yes".

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The witness then sits.

Witnesses other than the defendant are not permitted to remain in the court room before they have given their evidence.

The prosecution's first barrister then examines-in-chief the prosecution's first witness.

The first defence barrister then cross-examines the prosecution's first witness.

No re-examination of any of the witnesses is allowed.

The Magistrate then asks the prosecution to call the second prosecution witness.

The prosecution's second barrister calls the second witness by saying:

"I call . . .".

The Court Officer then stands, walks outside the court room, calling the witness's name three times, and escorts the witness to the witness stand taking care not to walk between the barristers and magistrate.

Whilst this occurs the Magistrate requests the prosecution team to make available for the defence team three copies of the statement of the second prosecution witness.

The Magistrate's Clerk obtains the copies of the statement and provides them to the defence team.

The defence team examines the statement. The defence team keeps the statements.

The Court Officer then swears the witness by saying:

"It is your duty to assist the Court in these proceedings by faithfully answering the questions put to you. Do you understand this?" (A bible should not be used to swear witnesses.)

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The witness replies:

“Yes”.

The witness then sits.

The prosecution’s second barrister then examines-in-chief the prosecution’s second witness.

The second defence barrister then cross-examines the prosecution’s second witness.

At the end of the prosecution’s case, the prosecution’s second barrister says:

“Your Honour that is the case for the prosecution”.

In criminal matters only the first defence barrister then stands and delivers the opening address

The first defence barrister calls the first witness (defendant) by saying:

“I call . . .”.

The Court Officer then stands, calls the witness’s (defendant’s) name three times, and escorts the witness to the witness stand taking care not to walk between the barristers and magistrate.

Whilst this occurs the Magistrate requests the defence team to make available for the prosecution team three copies of the statement of the first defence witness (defendant).

The Magistrate’s Clerk obtains the copies of the statement and provides them to the prosecution team.

The prosecution team examines the statement. The prosecution team keeps the statements.

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The Court Officer then swears the witness by saying:

“It is your duty to assist the Court in these proceedings by faithfully answering the questions put to you. Do you understand this?” (A bible should not be used to swear witnesses.)

The witness replies:

“Yes”.

The witness then sits.

The first defence barrister then examines-in-chief the defence’s first witness (defendant).

The prosecution’s first barrister then cross-examines the first defence witness.

The second defence barrister calls the second witness by saying:

“I call . . .”.

The Court Officer then stands, walks outside the court room, calling the witness’s name three times, and escorts the witness to the witness stand taking care not to walk between the barristers and magistrate.

Whilst this occurs the Magistrate requests the defence team to make available for the prosecution team three copies of the statement of the second defence witness.

The Magistrate’s Clerk obtains the copies of the statement and provides them to the prosecution team.

The prosecution team examines the statement. The prosecution team keeps the statements.

The Court Officer then swears the witness by saying:

“It is your duty to assist the Court in these proceedings by faithfully answering the questions put to you. Do you understand this?” (A bible should not be used to swear witnesses.)

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The witness replies:

“Yes”.

The witness then sits.

The second defence barrister then examines-in-chief the defence’s second witness.

The prosecution’s second barrister then cross-examines the second defence witness.

At the conclusion of the defendant’s case, the defence’s second barrister says:

“Your Honour that is the case for the defence”.

The Magistrate then adjourns the court.

The Court Officer says:

“All stand! This Mock Court is now adjourned”.

During this period the barristers and solicitor prepare the final address.

After the adjournment, the Court Officer says:

“All stand! This Mock Court is now resumed”.

All Mock Trial participants and the audience stand.

The Magistrate enters and bows.

The audience bows.

The Magistrate sits and the audience sits.

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The prosecution's second barrister then makes his/her closing address on:

- the evidence that was given;
- how every element of the offence was proved by the evidence; and
- the law which supports the prosecution's case by making reference to relevant precedents.

The prosecution's second barrister should distinguish any precedents which are not relevant to the prosecution's case.

The second defence barrister then makes his or her closing address on the evidence before the court, pointing out:

- where the prosecution has failed to prove its case;
- where the defendant has made out his/her defence;
- the law in support of the defendant's case; and
- the law which may be applied or distinguished.

The Magistrate then adjourns the court for a short recess.

The Court Officer says:

"All stand! This Mock Court is now adjourned".

The Mock Trial participants and audience sit.

The Magistrate then asks the Magistrate's Clerk for the following:

- the Timesheet recorded by the Magistrate's Clerk; and
- the Objections sheet recorded by the Magistrate's Clerk.

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The Magistrate examines this material. It is then returned to the participants.

The Magistrate then finalises and tallies the scores for the Mock Trial.

The Magistrate then invites the teachers to check the scores and to raise any issues about the trial. The teachers are required to check and initial the Score-sheet and any additions prior to the Magistrate's announcement of the result of the Mock Trial.

The Magistrate then delivers a short judgment on the case and announces the scores of each of the teams.

The Court Officer then closes the court by saying:

“All stand! This Mock Court is now adjourned”.

This concludes the Mock Trial.

The Score-sheet is then handed to the Winning Team which is responsible for submitting it to the Law Society.