
**TRIAL PROCEDURE FOR AN INDICTABLE CRIME
STUDENT RESOURCE**

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.

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| <p>1 Orderly ushers the Judge into Court. Judge opens the case.</p> <p>2 Clerk of Arraignment reads the indictment (charge) and asks the accused how s/he pleads; “guilty” or “not guilty”.</p> |
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**IF THE ACCUSED PLEADS GUILTY S/HE MAY BE SENTENCED IMMEDIATELY OR
SENTENCING MAY BE REMANDED TO A FUTURE DATE.**

<p>IF ACCUSED PLEADS NOT GUILTY</p>
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| <p>5</p> <p>7</p> |  <p>6</p> <p>8</p> |
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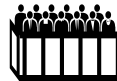


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IF THE JURY RETURNS A **GUILTY** VERDICT:

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IF THE JURY RETURNS A **NOT GUILTY** VERDICT:

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Re-examination (State Counsel).
Defence Counsel presents Closing Address.
The Judge may sentence immediately or sentencing may be remanded to a future date.
State Counsel presents witnesses.
Examination in chief (State Counsel).
Defence Counsel presents Opening Address. (Optional)
State Counsel presents Opening Address.
Judge summarises evidence as agreed by both parties and instructs the jury on matters of law (e.g. defines murder).
Jury returns a verdict.
Examination in chief (Defence Counsel)
Re-examination (Defence Counsel)
The Accused is free to leave.
Defence Counsel presents Opening Address if not already done and the Accused intends to give or adduce evidence. (Optional)
Cross examination (Defence Counsel).
Defence Counsel presents witnesses. (optional)
State Counsel presents Closing Address.
Cross examination (State Counsel)
Jury retires to deliberate.