

Visit to court – court report essay sample

[Law](#), [Court](#)



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Introduction: This is a report describing an observation of a criminal court proceeding that I attended at Brisbane District Court, Queensland. In this report I will state the kind of hearing I observed and the charges against the defendant; state and identify who was present in the court room and produce a brief description of their role.

I will report briefly what happened in the courtroom and state the most interesting things I observed. I will then later discuss how and why I found the happening of the court room to be relatively hard to understand, and explain how and why I believe that defendants, witnesses, victim of crime, or a jury member could find the court process daunting and also hard to understand. I also provide a critical reflection upon my experience in court outlining the relevant concepts discussed in class 1012CCJ Police, Courts and Criminal Law.

Court Details: Name of Court Visited: District Court Brisbane
Court Located: 363 George Street, Brisbane (Queensland)
Courtroom Number: 6
Date of Visit: 26 August 2009
Name of Case: R v Davy
Name of Presiding Judge: Judge Howell
Accused: Mr. Davy
The Subject Matter of the Case: The District Court deals with a wide range of criminal matters. The court hearing I attended was a trial by jury, where the charge against the defendant was assault causing grievous bodily harm. Under section 317 (Acts intended to cause grievous bodily harm and other malicious acts) of the Criminal Code Act

1899 (Qld) it states any person whom intentionally causes grievous bodily harm is guilty of a crime, and is liable to imprisonment for life. This charge is considered an indictable offence. Indictable offences are more serious crimes committed than that of summary offences, which are tried solely by a magistrate whom sits without a jury and attract only a fine or a short jail term (Corkery, J. F., 2002).

I attended the court case from 10. 00 am to 4. 00pm. During that period it involved giving evidence of cross-examination of the victim. The evidence and cross-examination of a victim of crime is only part of the whole case against the accused (Carvan, J., 2005). Throughout, the Crown prosecuting barrister and defense barrister tested the evidence given from the victim of the crime, especially where it was inconsistent with the information given by the accused. During the cross-examination of the victim of crime by the defense barrister, the defense barrister constantly suggested that the memory of the events from the victim was not clear and that the victim was not telling the whole story. The defense barrister raised his voice numerous mounts of time and was insistent that the victim was not reliable and lied about certain events. Twice the Judge intervened and stopped the defense barrister from asking questions due it being repetitive and as he states quote: “ annoying and not getting to the point of the case”.

Layout of the Court and Roles of Court Participants: The layout of the courtroom where the case was being heard is pictured in diagram 1. People who where present in the court room are stated below diagram with a brief description of there role.

A. Judge: The Judge controlled how the trial proceeded in the courtroom. Other roles of the Judge are to interpret the law and assess the evidence presented (Butterworths, 2004). Most important of all, judges are impartial decision-makers in the pursuit of justice (Corkery, J. F., 2002). The Judge sees that the proper procedures are followed and she or he makes decisions about all questions of what the law is in relation to the particular case (Corkery, J. F., 2002).

B. Judges Associate: The Judge's Associate is a person who assists the Judge. During the trial the Judges Associate assisted in the Judges every need and handed the Judge case related documents.

C. Bailiff: Their job is to make sure the matters before the court run smoothly.

Throughout the proceedings the Bailiff attended to the needs of the Jury and swore in and escorted the jurors in and out of the court room. The Bailiff also announced the beginning and end of the court sessions. The Bailiff's role also is to make sure no one talks to jury members or tries to influence their decision when they retire to decide their verdict (Carvan, J., 2005).

D. Jury: The Jury is a group of 12 people who don't know anything about the accused or the defendant. The Jury's job is to examine the pleadings (arguments) of both sides and decide what really happened (find the facts) they do not have to decide on legal questions, or on what sentence should be handed down to a guilty person (Corkery, J. F., 2002). They have been

chosen to listen to what everyone in the court has to say and decide if it has been proven that the accused/ defendant broke the law.

E. Defendant: the person who is accused of breaking the law is called the defendant, also known as the accused. The accused person is a person who has been charged with a crime (Corkery, J. F., 2002).

F. Crown Prosecutor: brings the evidence against the accused person. The prosecution lawyer represents the State and is called the Crown prosecutor.

G. Defense: The defense barrister is helping the accused (defendant) to tell their story about what happened and is pivotal to the success of the accused.

H. Victim of Crime: Victim was being cross-examined by the Defense Barrister and Crown Prosecution. The Victims role was to answer questions giving verbal evidence relating to the crime committed by the Accused.

Interesting Observations: Degree of formality in the proceeding: The proceeding of the case was formal because each person in the court was responsible for his or her work seriously. At the beginning of the proceedings, the court officer instructed the court to stand when the judge entered the room. Immediately the courtroom fell silent. It was a mark of respect by both judge and those present. The judge appeared to be held with high regard. The language used by barristers was very technical and formal in respect to the court proceeding.

How the evidence was presented: Evidence is the key in the proceeding of the case. It helps to prove whether a person is guilty or not. Each piece of evidence was presented to the other party to ensure they had no objection to the evidence being submitted. The court officer then passed the documents to the Judge. The barristers had copies of documents and evidences relevant to the case. They showed their points of view when the case was proceeding. They used the closed questions on the victim, which meant that they could only answer “ yes” or “ no”. They also required the victim to provide more details in the cross-examination that they thought would help their case.

Understanding the Happening of a CourtroomOverall the court system is not easy to understand. I found the terminology used within the courtroom, for example questions in the cross-examination, on occasions to be complex and hard to understand at times. Also, attending a trial mid-way through a proceeding can be hard to determine what the matter of the case is, due to not being present for the first half of the trial stating the offences against the defendant.

Understanding Court ProcessAttending court as a defendant, witness, victim of crime or a jury member for the first time, and have no previous experience or knowledge of the court system, may find it hard to understand their role within the criminal court trial, like the case I attended.

Witness may not know what to expect if called to give evidence in a trial, or not know what specific information about what event or events he/she will be giving evidence about? If they need exact dates, times, descriptions, actions

and exact words used. Victims may also not know what to expect within the criminal court trial, whether they are protected from unnecessary contact from the accused during the proceeding and if their residential address and telephone number will be disclosed. Defendant may not know their individual rights in court and unaware of what actions or words may incriminate him. Jurors may find it hard to understand the terminology used within the trial and hard to understand all the evidence presented. This could hinder the juror's final decision on the case. It is important for all participants to understand the court process as it is an important component of the decision-making process.

Reflection of Court Experience: This was my first experience of visiting the Brisbane District Court. I found this whole experience to be quite exciting. I was nervous and on edge when originally faced with this task, but once I was settled in the court room things went smoothly. The significance of observing this courtroom trial was to see the way our federal courts systems work. In this case I saw a criminal court trial, which helped me to understand the branch of law that deals with disputes and criminal penalties that regulates the conduct of individuals, defines crimes, and provides punishment for criminal acts all of which are concepts discussed in subject 1012CCJ Police, Courts and Criminal Law. This experience helped give me a better understanding of how our judiciary system works and what exactly are the factors that determine a case. I also learned the types of fines and charges that can be given to criminals. Overall the visit to a court trial was interesting to see apart of the court process. The trip was informative and eye opening to what happens when you break the law.

Reference List

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2. Carvan, J.(2005). Understanding the Australian legal system. (5th Edition). Prymont, New South Wales: Lawbook Co.
3. Corkery, J. F.(2002). Starting Law. (2nd Edition). Mudgeeraba, Queensland: Scribblers Publishing.