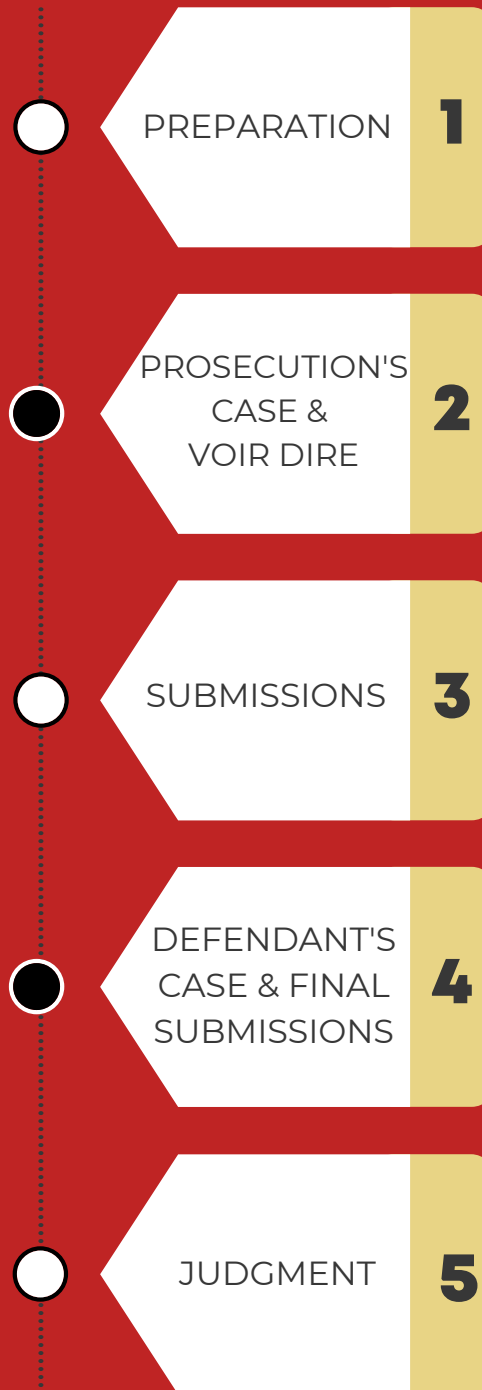


Criminal Trial Process in the Magistrate's Court



GUIDE

Criminal Trial Process for Defendants



Preparation Before Trial

- You must inform the Court your reason for claiming trial.
- The Prosecutor will serve you with documents relevant to the trial including the Charge Sheet, the List of Prosecution Witnesses and your Statement.
- You must read and study all of the said documents and ensure that you bring them with you throughout the trial.
- You must inform the Court if you require any additional documents or evidence.
- You must inform the Court if you have any objection to the Statement you made with the relevant law enforcement agency and the basis of your objection (whether there was oppression, threat, promise or other reasons). If you have an objection, a Voir Dire will be conducted.
- You must prepare a list of witnesses along with their address and telephone number in order for the Court to issue a Witness Summons (which you must serve upon the witness yourself).
- If you wish to engage a lawyer, you must ensure the lawyer is available on the set trial dates.

Reminder

You must be prepared with your defence at the start of the trial.

The Court can only take into consideration evidence presented during the trial.

Trial

Presenting Evidence

- The Prosecutor will call all of the witnesses to testify in court.
- You will be given the opportunity to question the witness after the Prosecutor is done examining the said witness.
- You must listen and record the evidence of the witness.
- You must prepare the questions you wish to ask the witness based on the evidence the witness gave in court.
- If you do not put your case to the witness, it will be deemed that you agree with the evidence of the witness.
- You must mark all documents as evidence based on the marks given by the Court.

Voir Dire

Ancillary Hearing

- If you have NO OBJECTIONS to the Statement, it will be admitted by the Court and used as prosecution evidence.
- If you have an OBJECTION to the Statement, a Voir Dire will be conducted for the said Statement.
- A Voir Dire is an ancillary hearing to determine whether or not you made the Statement voluntarily.
- A trial process will be conducted with Voir Dire witnesses only.
- After the prosecution witnesses are called, you may give sworn evidence about the Statement and also call your witnesses.
- At the end of the Voir Dire, the Court will decide whether the Statement is admitted as prosecution evidence or not.



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Submissions

End of Prosecution's Case

- The Prosecutor will prepare submissions on their case and serve a copy to the Court and to you.
- You must read the submissions and inform the Court if you wish to reply it.
- The Court will consider whether the prosecution has presented a sufficient case for you to answer the charges against you.
- If the Court finds there is no case to answer, the case is dismissed and you will be acquitted of the charge.
- If the Court finds there is a case, the trial will continue and you will be asked to present your defence.

Defence

Defendant's Case

- You will be given two options (For both options, you have the right to call your witnesses);
 - Remaining Silent
You do not give evidence and will not be questioned by the Prosecutor. If you choose to remain silent, the Court may draw adverse inferences against you.
 - Sworn Evidence
You give evidence under oath and will be questioned by the Prosecutor.
- You may call your witnesses to give evidence and you will start asking them questions first.
- After you are done questioning the witness, the Prosecutor will examine your witness.
- Once the Prosecutor is done, you will have one final opportunity to ask the witness any questions based on the answers given by the witness to the Prosecutor.

Judgment

End of Trial

- Both the Prosecutor and yourself are given the opportunity to prepare submissions on the trial as a whole.
- The Court may choose to hear the submissions either orally or have it in written form.
- Upon hearing/reading the prosecution's submissions, you must inform the Court if you wish to make a reply.
- The Court will assess the case and decide whether or not you are guilty of the charge.
- If you are found not guilty, you will be acquitted of the charge.
- If you are found guilty, you can enter your plea in mitigation before the Court sentences you. The Court will then pronounce its sentence.



Appeal

If you are dissatisfied with the Court's verdict/sentence, you have the right to apply for a Stay of Execution and file an appeal to the High Court within 2 weeks after the sentence is pronounced.

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