

Saturday 17th March, 2018 | 8:30 a.m. – 4:00 p.m

The JEITT Training Center, Seecharan Building, Duke Street, Port of Spain
Trinidad

Facilitators:

Mrs. Alice Yorke-Soo Hon, J.A. -- Justice of Appeal, Trinidad and Tobago.

Mr. Mark Mohammed, J.A. -- Justice of Appeal, Trinidad and Tobago.

Mr. Roger Ramgoolam -- Course Director, Criminal Procedure and Practice, Hugh Wooding Law School

Mr. Jonathan Soo-Hon -- Attorney-at-Law, Legal Officer, Ministry of Finance.

Purpose:

- The consultation is not meant to be a teaching exercise, but rather, it is meant to facilitate the following:
 - i. Any brief comments by Magistrates on the accuracy of the contents; and
 - ii. Any suggestions and brief comments by Magistrates on whether focus should be shifted to more thorny/problematic areas or whether focus should be shifted away from less-problematic areas.
- The next stage would be the compilation of the suggestions made at the consultation, as part of the editorial process, in preparation for the publication and official launch.
- This is therefore neither the official launch of the Magisterial Bench Book nor the finalisation exercise.

Methodology:

A review of the Magisterial Bench Book, chapter by chapter, covering all of the relevant jurisdictions. Time frames need to be strictly adhered to in order to ensure progression and completion by the fixed time. It is imperative that Magistrates familiarise themselves with the material, as far as is reasonably practicable, in advance.

AGENDA

8:30-8:35 **Introductory Address** (A. Yorke-Soo Hon, J.A.)

8:35-9:00 **Chapter 12 – Customs** (J. Soo Hon)

- Handling customs matters

9:00-9:20 **Chapter 1 – Jurisdiction** (A. Yorke-Soo Hon, J.A.)

- Jurisdiction with Respect to Specific Offences
- Territoriality
 - Territorial Water
 - Extra-Territorial
- Local Jurisdiction
- Settling Time/Counting Time

9:20-9:40 **Chapter 2 - Service, Arrest and Search Warrants** (R. Ramgoolam)

- Summons
- Arrest
- Bench Warrant
- Search Warrant

9:40-10:00 **Chapter 3 - Procedures** (A. Yorke-Soo Hon, J.A.)

- Oaths
- Vulnerable Defendants
 - Unrepresented Defendants
 - Disabled Witnesses
 - Mentally Challenged Defendants

10:00-10:10 **HEALTH BREAK**

10:10-10:40 Chapter 4 – The Charge and Bail (R. Ramgoolam)

- Charge
 - Commencement of Proceedings by Information or Complaint
 - Duplicity
 - Rules against duplicity
 - Exceptions to the rule of duplicity
 - Objection to duplicity
 - Procedure for dealing with a duplicitous complaint or information
 - Effect of a duplicitous charge on conviction
 - Joinder
 - Joinder of parties
 - Joinder of charges/Joint hearing of charges
 - Defects and Amendments
 - Defective summons, information or complaint
 - When is an amendment made?
 - Hybrid or Triable either way offences
 - Indictable offence that may be dealt with summarily
 - Summary offence that may be dealt with on indictment
 - Defendant's right to re-elect mode of trial
- Bail
 - Right to bail
 - The guidelines for granting bail
 - Bail with surety
 - Bail without surety
 - Fixing Quantum
 - Other consideration
 - Forfeiture

10:40-11:05 Chapter 5 - Pleas and Trial (R. Ramgoolam)

- Pleas
 - Fitness to Plea
 - Guilty Plea
 - No Guilty Plea
 - Pleas in Bar
 - Autrefois Acquit/convict
 - Pardon
- The Trial
 - Opportunity to be heard
 - Adjournments
 - Ex Parte Hearings
 - Dismissal for the Want of Prosecution
 - Vulnerable Witnesses
 - Disabled Witnesses
 - Victims of Sexual Assault/Crime
 - Mentally Challenged
 - Burden and Standard of Proof
 - Proof of Intention
 - Victim Impact Statement

11:05-11:35 Chapter 6 - Evidence and Functus Officio (M. Mohammed, J.A.)

- Evidence
 - Admissions
 - Hearsay
 - Admissions on Documents
 - Admissions on Exhibits
 - Rebuttal Evidence
 - Expert Evidence
 - Character Evidence
 - Good Character
 - Bad Character
- Functus Officio

11:35-12:05 Chapter 7 - No Case Submission, Finding Guilt and Goodyear Hearing (A. Yorke-Soo Hon, J.A.)

- No Case Submission
 - Guidance for Magistrates in respect of no case Submission
 - The Test
 - The Procedure following the no case submission
 - Reopening of the prosecution's case following a no case submission
 - Reconsidering a decision on a no case submission
- Finding Guilt
- Goodyear Hearing

12:05-12:50 LUNCH BREAK

12:50-1:15 Chapter 8 - Sentencing Options and Methodology (M. Mohammed, J.A.)

- Sentencing Options
 - Community Service Orders
 - Suspended Sentences
 - Fines o Probation Orders
 - Conviction and Discharge
 - Discharge with no record of Conviction
 - Compensation
 - Imprisonment
- Sentencing Methodology
 - Purpose of Sentencing
 - Steps for arriving at an appropriate sentence of imprisonment

1:15-1:35 Chapter 9 - Committal Proceedings (M. Mohammed, J.A.)

Chapter 10 - Extradition Proceedings, Abuse of Process and Road Traffic Offences

1:35-2:05 Extradition Proceedings (M. Mohammed, J.A.)

2:05-2:30 Abuse of Process (R. Ramgoolam)

- Meaning of Abuse of Process
- Delay
- Misuse/Misrepresentation by the Prosecution

2:30-2:55 Road Traffic Offences (A. Yorke-Soo Hon, J.A.)

2:55-3:25 Chapter 11 - Case Management under the New Criminal Proceedings Rules (A. Yorke-Soo Hon, J.A.)

3:25-3:55 Chapter 13- Writing of Reasons (M. Mohammed, J.A.)

- The importance of a magistrate's reasons
- Duty of a magistrate to give reasons
- How to start writing reasons
- Guiding principles for writing of reasons
- Credibility
- Bias

3:55-4:00 Closing Remarks (A. Yorke-Soo Hon, J.A.)