

PRACTICE DIRECTION NO 2 OF 2021: RESUMPTION OF JURY TRIALS

SUPREME COURT OF JUDICATURE OF JAMAICA

HOME CIRCUIT SUPERIOR CRIMINAL COURTS OF TRIAL

This Practice Direction is issued by the Honourable Chief Justice and applies to the Home Circuit Superior Criminal Courts of Trial

GENERAL

1. This Practice Direction comes into effect on Thursday, January 7, 2021 and will continue in effect until revoked or amended and is to be cited as Practice Direction (No 2) of 2020.
2. The Home Circuit Superior Criminal Courts of Trial ('HCSCCT') comprises the Supreme Court of Judicature (Criminal Division), the Circuit Court Division of the Gun Court, and the High Court Division of the Gun Court sitting at the Supreme Court of Judicature, Public Building East, King Street, Kingston.
3. This Practice Direction applies only to those criminal courts at the HCSCCT in which a jury may be empanelled for the trial of any matter.
4. The 'Health Guidelines Governing Access to all the Courts of Jamaica' dated May 27, 2020 except paragraph 10 continue to apply.

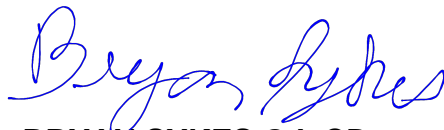
JURY TRIALS

5. Jury trials at the HCSCCT will resume on February 12, 2021 on a phased basis.
6. Jury trials are to take place in accordance with the following criteria:
 - a. the general rule is that no more than two defendants jointly indicted for the offence charged;

- b.** trials with three or more defendants are to take place only if the judge is satisfied that that trial can proceed without violating the guidelines referred to in paragraph 4 having regard to:

 - i.** the number of attorneys representing the Crown and the defence;
 - ii.** the number of witnesses; **iii.** whether the defendants can be accommodated in the courtroom:
 - iv.** whether the evidence is to be given viva voce, remotely and/or by agreed statements or agreed facts;
 - v.** any other factor which appears to the judge to be relevant.
 - c.** the number of jurors required to form the array shall not exceed seven (7).
- 7.** Other than the sentencing phase of a trial, the general rule is that defendants are to be present in court.

DATED THIS 5TH DAY OF JANUARY 2021



BRYAN SYKES OJ, CD

CHIEF JUSTICE