



Ministry of Justice

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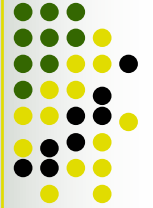
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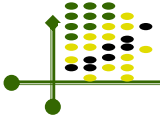


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Jamaica's Jury System





In Jamaica persons accused of certain criminal acts, are judged by a jury of their peers. This was inherited from the British system of jurisprudence.

A JURY

A jury is a group of person drawn from civil society and who, it is said, brings a commonsense experience into the matter of determining the guilt or innocence of a fellow citizen.

It is believed that a juror understands the nuances and idiosyncrasies of their society and bring to bear on a trial their collective experiences.

Compiling the Jury List

- ≈ Every four years since 1990, the Director of Elections sends an updated Voters List for each of the parishes to the Superintendent of Police in charge of each parish.
- ≈ The Superintendent then sends a copy of the list to the Resident Magistrate for the parish who is the chief judicial officer in the parish.
- ≈ The Resident Magistrate gives notice of a special sitting of the Court in Petty Sessions to be held on the third Thursday in the month of May when the Voters List is examined by him or her, along with two or more Justices of the Peace nominated by the Custos. At this public hearing anyone may object to the inclusion of a person on the list of jurors that is being compiled. For example, the Police Superintendent may inform the Court that a person on the Voters List has

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Superintendent of Roads and Works

Inspectors of Poor.

City Engineer.

Persons registered under the Professional Supplementary to Medicine Act.

Persons registered under the Nurses and Midwives Act.

Persons enrolled as students in any school, college, university or other institution of learning.

The Director of Elections, members of staff of the Electoral Office and other employees of the Electoral Advisory Committee.

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died or is incarcerated in prison for a long period of time. That name would be excluded from the jury list.

- On the third Thursday in August that same year, another special sitting of the Court is held to **finally** settle the Jury List. This list will be the one used for the next four years in the parish.

Finally, this Jury List is sent to the Registrar of the Supreme Court and a copy is kept by the Clerk of Courts for the parish. The law prohibits alteration to the Jury List.

Who are disqualified from Jury Duty?

The law disqualifies the following persons from serving as jurors:

- Persons under 18 years of age or over the age of 65;
- A person who is not a Commonwealth citizen;
- Unable to speak, read or write English;
- A person awaiting trial in the Resident Magistrate or Circuit Court for an indictable offence i.e. serious offences such as murder, shooting with intent and unlawful wounding, **but not** summary offences such as traffic violations;
- Persons serving or who have served sentence of imprisonment of more than six months.

Excuses from Jury Service

Jurors can be excused from attendance at Court on the ground of illness, or other good reason.



Penalty for Non-attendance

A fine of Two Thousand Dollars (\$2,000.00) is imposed, unless good cause is shown, for non-attendance at court for each day's absence.

What cases are tried by a Jury?

- a) All serious cases are tried by a Circuit (Supreme) Court judge sitting with a jury comprised of **twelve (12) persons in murder or treason, and seven for other offences.**

Some well known offences tried by a jury include:-

- ⌘ Murder
- ⌘ Manslaughter
- ⌘ Rape, Carnal abuse and buggery
- ⌘ Robbery with aggravation or violence
- ⌘ Arson
- ⌘ Fraud in respect of wills and land titles
- ⌘ Treason
- ⌘ Seditious Libel
- ⌘ Abduction and kidnapping

NOTE: *Offences (except murder) involving the use of a fire-arm are tried by a Supreme Court judge **without a jury.***

- b) Jurors are sometimes required to hear civil cases. This is done upon the application of either the plaintiff or defendant for a jury to determine the facts of a case. The number of jurors is seven.
- c) Jurors sit with the Coroner (Resident Magistrate) to hear evidence and decide how and what caused the death of a person, where there is suspicion of murder or manslaughter. It is called a Coroner's Inquest.

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- b. Any institution providing higher education of a standard comparable to that provided by the institutions specified in paragraph (a).

Persons engaged in a supervisory or technical capacity in any business concerned in the operation of commercial aircraft.

Masters or captains of vessels actually serving as such.

Pilots legally appointed and actually serving as such.

Lighthouse keepers.

Wharfingers within the meaning of the interpretation section of the Wharfage Act, subject to the following conditions—

(a) that the exemption extends to one person only in respect of each public wharf; and

(b) that the person claiming the exemption shall claim the same by notice in writing under his hand addressed to the Clerk of the Courts of the parish in which the public wharf is situated, and delivered to him on or before the first day of August each year.

Dental practitioners registered under the Dental Act.

Veterinary Surgeons registered under the Veterinary Act.

Registered Pharmacists dispensing drugs and poisons under the Pharmacy Act.

Commonwealth citizens performing diplomatic or consular duties.

Officers, non-commissioned officers and men of the Regular Force and Reserve Force of the Jamaica Defence Force.



LIST OF PERSONS EXEMPT FROM SERVING AS JURORS

Members and spouses of members of the Privy Council, Cabinet, Senate and House of Representatives.

Judges and spouses of Judges of the Court of Appeal, Judges and spouses of Judges of the Supreme Court, the Master in Chambers and the spouse of the Master in Chambers, the Registrar and spouse of the Registrar of the Supreme Court, Judges and spouses of Judges of the Family Court, Judges and spouses of Judges of the Traffic Court and Resident Magistrates and spouses of Resident Magistrates.

Custodes of parishes.

The Mayor and Deputy Mayor of the Kingston and St. Andrew Corporation, Mayors and Deputy Mayors or chairmen and vice-chairmen of Parish Councils, Councillors of the Kingston and Saint Andrew Corporation and of the Parish Councils.

Officers holding appointments and receiving salaries in the public service of Jamaica.

Attorneys-at-law in actual practice.

Ministers of religion, following no secular occupation.

Medical practitioners in actual practice.

Secretaries of Parish Councils.

School teachers.

Teachers in -

- a. the University of the West Indies, the College of Arts, Science and Technology or Teachers Training Colleges; or

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JURY PANEL SELECTION PROCESS

Circuit Court

Before the Circuit Court is to begin in a parish, the Registrar of the Supreme Court randomly selects a **minimum of seventy (70) names** from the list that was sent to him/her, and issue a Writ to the Commissioner of Police requesting him to serve the persons named in the Writ, a summons to attend and serve at the Circuit Court.

The Commissioner must issue the summonses and have them served at least 21 days before the Court sits. The Writ is then returned to the Registrar who will transmit the panel to the Clerk of Courts who acts as Clerk to the Circuit Court.

It is from this panel that persons will be eventually chosen to try a case.

Each Juror on the panel is assigned a number. It has been the practice to have numbered balls in a sealed container from which a single ball is released as required by the Clerk. **These elaborate procedures are designed to prevent "jury fixing."**

At the trial, the prosecutor and defendant has the right to challenge jurors without showing any cause and can also challenge for good cause. The challenged juror would stand down and not be sworn to try that case.

Coroner's Court

A Coroner's Inquest is held when:

1. The Coroner is informed of a death occurring within the parish and the reports lead him to



suspect that the deceased came to his death by murder or manslaughter; or

2. The Coroner is directed by the Director of Public Prosecutions to hold an inquest

The Coroner issues summonses for **not less than five nor more than 30 persons on the jury list** to attend and participate in the inquest. The summonses are served by the police on the potential jurors who are liable to penalty for non-attendance.

Coroner's Court sits in some of the rural parishes one day per month. In the Corporate Area, sittings of the Court is on a daily basis.

Jurors' role in Court

IN Criminal cases, jurors remaining unchallenged at the selection of the jury to try a case are required to take an oath to the effect that he or she will faithfully try the several issues joined between Our Sovereign Lady the Queen and the accused (prisoner at the Bar), and give a true verdict according to the evidence.

A foreman, who acts as chairman and spokesman, is chosen by the jurors and then the person on trial is introduced to them by the Clerk of Court, in words to his effect: "the accused C.B. is indicted before you for the offence of murder, to this indictment he has pleaded "Not Guilty" and it is your charge therefore, having heard the evidence, to say whether he is guilty or not guilty."

Opening Statements are then made and witnesses are called. Throughout the proceedings the judge is in charge and the jurors have to take instructions on the law from the judge even whilst they are the sole judges of the facts of the case.

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At the conclusion of the evidence lawyers representing the prosecution and the Defendant make speeches to advance their case, and then the Judge sums up the entire case for the benefit of the Jury. They will have to return a verdict and will have time to sit together in private to discuss the case and arrive at a verdict in accordance with the oath they took.

IN Civil cases not only do they decide on who is liable for the wrong committed, but, for example, in a libel case, they have to determine what level of damages (money compensation) the aggrieved party should receive.

IN Coroner's Court, the jurors who have been sworn must return a verdict. Jurors in coroners cases are not determining guilt or innocence of anyone, but because the inquiry may point to criminal culpability on the part of a person/persons who can be identified and are sometimes witnesses at the inquest, the proceedings may assume adversarial characteristics.

Primarily, the jurors must by their verdict say how, when and where the deceased came by his death. Where they are satisfied that the crime of murder or manslaughter has been committed, they should name and charge those persons who committed the crime.

Jurors are required to sign the Inquisition certifying their verdict.