

Complete the text using the words from the box:

TRIAL

Notes: **petit jury** – мале журі, суд присяжних (колегія дванадцяти присяжних, що розглядають справу по суті)

defence witnesses, defendant, bench trial, prosecutor, examination, announced by the judge, determine the sentence, to deliberate the guilt, testimonial evidence, has testified

The USA's common law heritage makes it possible for all the states to follow in criminal trials a uniform set of procedures. They have developed over centuries.

It is the function of the trial court to find and express the judgement, under law as to the guilt or innocence of an accused person. Defendants who plead not guilty to felony charges can opt for either a jury or a . In most cases, a defendant chooses to stand trial before a judge sitting alone. It is called a bench trial.

If he chooses a jury trial the first step is the jury selection (which is called the **petit jury**). Jury members are ordinarily selected by lot or chance, from a master list of persons in the community where the trial will take place.

After a jury has been seated, the trial begins with an opening statement by a , which is an attempt to tell the jury what crime the defendant is charged with. The defence may then make its own opening statement.

Next the prosecutor presents his or her evidence against the – physical evidence such as fingerprints; of witnesses or experts; eyewitness evidence; and any circumstantial evidence. This is done by calling witnesses and questioning them (direct examination).

After each witness for the prosecution , defence counsel may carry out a cross-examination in order to test the truth of what each witness says. The prosecution then is allowed to question the witnesses again on redirect in order to give the witnesses an opportunity to clarify any issues raised in the cross examination.

At the next stage (defense case-in-chief) the defendant through his attorney introduces witnesses or other evidence that favour the defendant's claim of being not guilty. The defence may begin with opening statements. Then all the are examined and cross-examined. There may be some further witnesses called by both sides.

At this point a recess is taken in the proceedings to allow the judge to prepare instructions to the jury, and the attorneys of both prosecution and defence prepare their closing arguments. In their closing arguments, the two opposing lawyers present a summary of their case to the jury, emphasizing the evidence that is most favourable to their side.

After the closing statements the judge instructs the jury in the applicable points of the law, in the nature and meaning of evidence they have seen or heard. Then the jury retires to a private room or innocence of the accused. If the agreement is reached, they return to the courtroom where their decision will be announced.

The defendant is asked to stand to hear the verdict of the jury. The judge is then to

If the jury cannot reach a verdict the judge declares a mistrial. If this happens, the defendant may be tried for the same offence again before a different jury. If the defendant is found not guilty by the jury he is acquitted. If the verdict is guilty the defence counsel brings out those facts which should be considered by the court before the sentence is .

In a case tried before a judge sitting alone, the decision of the judge constitutes a termination of the trial.