

GOING TO COURT

A GUIDE FOR YOUNG PEOPLE



Donegal
Youth Service
Youth Work Ireland





The following information
is brought to you by Donegal Youth Service.

This booklet aims to provide a range of
information for young people who may have to
attend court.

If you would like more information the Letterkenny
Youth Information Centre (YIC) at Donegal Youth
Service provide a free legal information hub for young
people who have any queries about a legal matter.



074 91 29630



16-18 Port Road, Letterkenny



**www.donegalyouthservice.ie
admin@donegalyouthservice.ie**





TABLE OF CONTENTS

Reasons someone may have to go to court.....	3
Main courts of Ireland.....	4-7
Legal terms.....	8-10
Who will be in the courtroom?.....	13
What happens after somebody commits a crime?.....	14-16
Giving Evidence.....	17-19
Frequently asked questions.....	20-23
Acknowledgements.....	24
Just remember.....	25
Notes.....	26



SOME REASONS A PERSON MAY BE IN COURT...

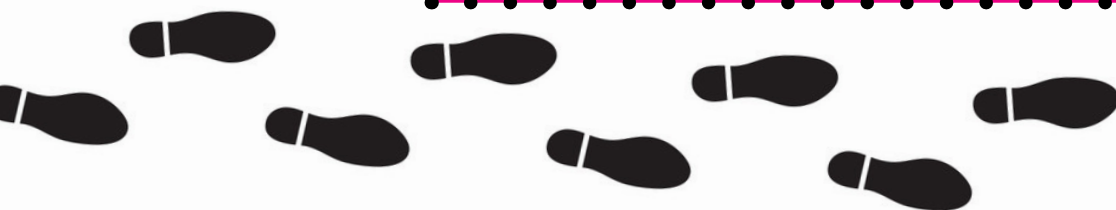


BEING CALLED AS A WITNESS

AS A VICTIM OF A CRIME

AS PART OF A JURY

AS A DEFENDANT



MAIN COURTS IN IRELAND

DISTRICT COURT

Local level courts - usually hear cases such as road traffic offences, assault, criminal damage, family law matters and civil cases.

CIRCUIT COURT + CENTRAL CRIMINAL COURT

There are 8 circuits in Ireland - one here in Donegal (sits in Buncrana, Letterkenny & Donegal Town) and hears cases of appeals from the District Court, as well as more serious offences, divorce and judicial separation cases. The Circuit Court also hears appeals from the District Court in civil and criminal matters.



Letterkenny Courthouse - Local District Court and Circuit Court for Letterkenny. Sometimes the High Court sits here.

MAIN COURTS IN IRELAND

HIGH COURT

is based in Four Courts, Dublin. It has the power to hear all criminal and civil matters (including family law cases) but usually hears only those cases that cannot be dealt with by the lower courts. It also hears appeals from the Circuit Court in civil matters and can give rulings on questions of law raised in the District Court.



Four Courts in Dublin - Circuit Court for Dublin region, High Court, Court of Appeal and Supreme Court of Ireland

SUPREME COURT

Highest court in Ireland - based in Four Courts, Dublin.

MAIN COURTS IN IRELAND

COURT OF APPEAL

Based in Four Courts, Dublin. The Court of Appeal hears appeals in civil cases from the High Court and appeals in criminal cases from the Circuit Court, the Central Criminal Court or the Special Criminal Court.

CENTRAL CRIMINAL COURT

Hears very serious criminal cases like Murder, Rape etc.

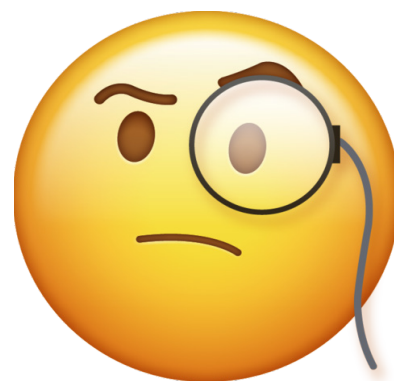
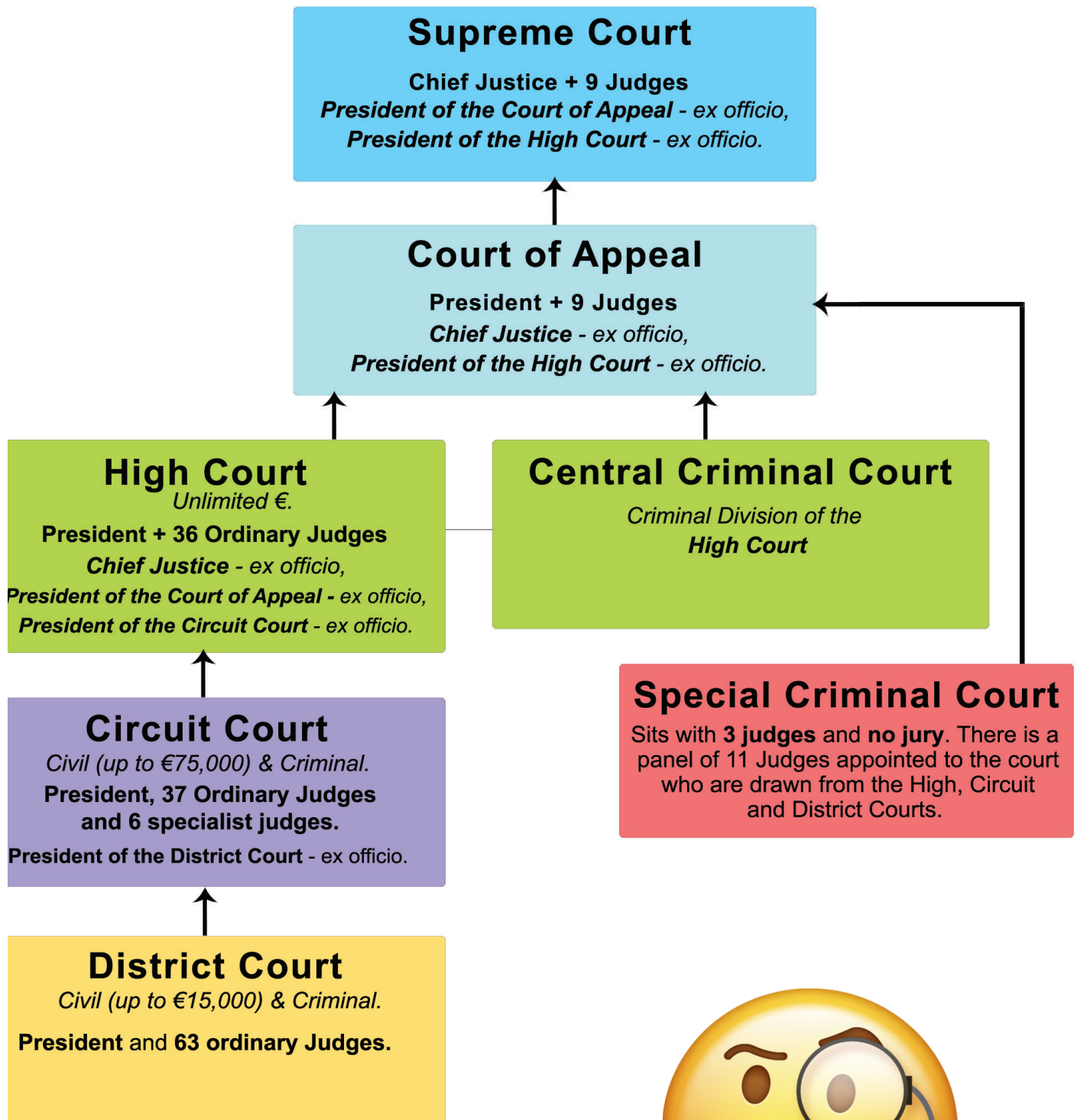


Central Criminal Court and Special Criminal Court, Dublin

THE SPECIAL CRIMINAL COURT

The Special Criminal Court consists of three judges sitting without a jury and primarily deals with criminal charges involving terrorist organisations, and, more recently, with charges relating to organised drug activities. The court was established by the government to hear cases that the ordinary courts might be unable to handle because of fears of the possibility of jury intimidation.

MAIN COURTS IN IRELAND



LEGAL TERMS

LET'S MAKE SENSE OF
THE JARCON!

ACCESSORY

Someone who encourages or helps another person to commit a crime.



DO YOU SPEAK
LEGALESE?!

ACCOMPLICE

Someone who helps another person to commit a crime.

ADJOURNMENT

Postponing a court hearing.

ADMISSIBILITY OF EVIDENCE

Evidence which can be presented in court.

ACCRAVATED ASSAULT

A serious type of assault.



BURDEN OF PROOF

A rule of evidence that requires a party to a court action to prove something, otherwise the contrary will be assumed by the court. For example, in criminal trials, the prosecution has the burden of proving the accused guilty beyond a reasonable doubt.

CIRCUMSTANTIAL EVIDENCE

Evidence which suggests a fact but does not prove the fact is true.

LEGAL TERMS

CRIMINAL CASE

Prosecutions brought by the State against people accused of anti-social behaviour – from petty theft to murder.

CIVIL CASE

Disputes between individuals, organisations or the State. These disputes may concern anything from an injury caused in a car accident to a contested corporate take-over.



DEFENDANT/RESPONDENT

A person, company or organisation being sued or accused of breaking the law.

DEFENCE

Solicitors and barristers who speak for and represent the defendant.

EVIDENCE

When a witness tells the court what they heard or saw or what they know.

EXHIBIT

Item or thing connected with the case.

LEGAL TERMS

IN CAMERA

A legal term meaning "in private". A notice will be on the courtroom door if the case is In Camera, no member of the public may enter the courtroom during the case.

OATH

Swearing the truth of a statement.

PLAINTIFF

The person who brings a case against another to court.

PROSECUTION

Solicitors and barristers who present a case in court against the defendant.



WHO WILL BE IN THE COURTROOM?



JUDGE

makes all the final decisions in the court, unless there is a jury and decides on the sentence.

REGISTRAR

Records any orders made by the Judge. They also ask the Jury and witnesses to take an Oath.

WITNESS

There may be more than one witness. They sit to one side of the Judge and give their evidence under oath.

JURY

They all sit together to one side of the courtroom and are made up of 12 people who have no connection with any of those involved in the case. They must listen carefully to evidence from both sides and make a decision based on the evidence.

JUDICIAL ASSISTANT/CRUER

One of their duties is to announce that the Judge is entering the Courtroom.



WHO WILL BE IN THE COURTROOM?

BARRISTER

Also known as 'Counsel'. They are hired by the solicitors if they are required. It is usually the barrister that asks the witnesses any questions.

SOLICITOR

They prepare all the paperwork for the case. If there is no barrister required then the solicitor will ask the questions in the court.

MEMBERS OF THE PUBLIC

Depending on the type of case there may also be members of the public in the courtroom.

ACCUSED/THE OTHER PARTY

The other person will also be present in the courtroom. Under certain circumstances they may also be accompanied by a Prison Officer or a member of An Garda Siochana.

INTERPRETER/TRANSLATOR

If English is not your first language you have a right to ask for an interpreter to be present in the court with you, or the other party may have an interpreter present.



Who's who in the courtroom

Solicitor

The solicitor sits facing the barrister and instructs the barrister during the case. The solicitor works with the barrister and the client preparing the case and collecting the evidence. Like barristers, solicitors can argue the client's case in court, state the relevant law and examine witnesses.

Registrar / Court Clerk

The registrar/court clerk sits in front of the judge and records any orders made by him/her. He/she assists the judge with administrative matters and is in charge of the court documents and exhibits. The registrar/court clerk also records the names of the witnesses, swears in the jury, administers the oath to witnesses and records the decision in the case.

Judge

The judge is in charge of court proceedings and decides any legal issues arising in the case. If the case does not involve a jury, the judge also decides questions of fact, such as the guilt or innocence of the accused, or which party wins in a civil case. The judge wears a gown and sits at a bench above the other people in the court.

Digital Audio Recording (DAR) box

Everything that is said in court during the case, including any evidence given by the witnesses, is recorded digitally.

Jury

The jury sits together on one side of the courtroom where jurors have a clear view of the judge and any witnesses. A jury consists of twelve men and women randomly selected from the electoral register. Most people between 18 and 70 who are registered to vote are eligible for jury duty. The jury hears the evidence and decides on the guilt or innocence of the accused in a criminal case and which party wins in a civil case.

Witness

The witness sits to one side of the judge and gives testimony in open court. Witnesses are called by either party to prove their side of the story and may be cross-examined by the opposing party as to the accuracy of their evidence.

Judicial Assistant

The judicial assistant works with the judge. Among his/her duties is to undertake legal research for the judge and to announce the arrival and departure of the judge from the courtroom (usually by saying 'all rise').

Accused

The accused comes before the court accused of a crime. If the accused is in custody he/she will be brought to court by a prison officer.

Prison Officer

The prison officer brings an accused person (who is in custody) to the courtroom and sits with him/her. The prison officer wears a uniform.

Counsel

Counsel

Barrister / Counsel

The barristers in the case are known as 'counsel'. They face the judge and any witnesses. The barrister's role is to argue his/her case, to state the relevant law and to examine any witness on the evidence which they give to the court. The solicitor hires the barrister, who traditionally has few direct dealings with the client before the case begins. The barrister wears a gown.



An tSeirbhís Chúirteanna
Courts Service

Members of Public

Anyone can watch any court case, except where there is a sign reading 'in camera' on the door of the courtroom. This means that the case will be heard in private and that members of the public who are not involved in the case are not allowed into the courtroom. The 'in camera' rule is used to protect the privacy of the people in court mainly in family law matters and in some criminal cases (e.g. rape cases or cases before the juvenile courts).

Note

The above illustration represents a court hearing in a criminal case. It is for explanatory purposes only and does not purport to represent every, or any particular, courtroom.



**WHAT
HAPPENS
AFTER
SOMEBODY
COMMITTS
A
CRIME?**

ONCE SOMEBODY COMMITS A CRIME, A NUMBER OF STAGES FOLLOW:

Somebody, usually the victim, complains to the Garda Síochána.

The Gardaí take a witness statement from the victim. A witness statement is a written record of the complaint.

The Gardaí investigate the crime.

Depending on what they find, the Gardaí may arrest a suspect.

A decision whether or not to prosecute is made. In serious crimes, the Gardaí send a file to the DPP (Director of Public Prosecutions) and the DPP makes the decision. In less serious crimes, the Gardaí make the decision.





The Gardaí charge the suspect.

The Gardaí bring the suspect to a District Court judge.

From this point on, the suspect is known as 'the accused' or the 'defendant'.

All the prosecution's evidence is disclosed to the defence, who in turn consider it.

The defendant then either pleads guilty or applies for a full hearing of the evidence.

The trial begins.



EVIDENCE

IF I AM A WITNESS, HOW AM I CALLED TO GIVE EVIDENCE?

You will receive a witness summons or subpoena from the Gardaí. This is an order from the court for you to give evidence at a particular time and place.

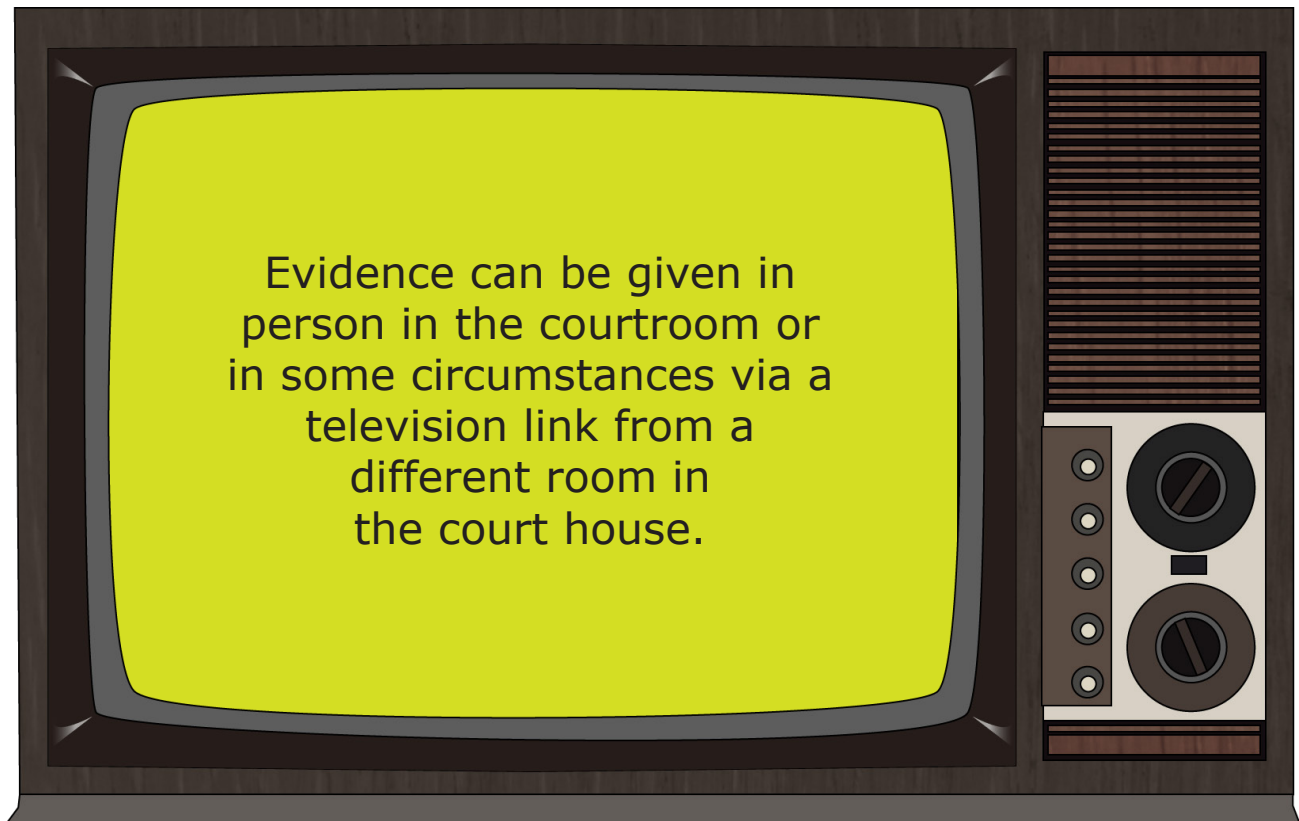


DO I HAVE TO ATTEND COURT TO GIVE EVIDENCE?

If you have received a summons or subpoena, you must attend on the date in question at the court. If you fail to do so, the Judge can issue a warrant for your arrest. I.e. not attending.



GIVING EVIDENCE



You must attend court if you are asked to give evidence (as a witness).

Questions will be asked by the prosecution, the defence and maybe the Judge.

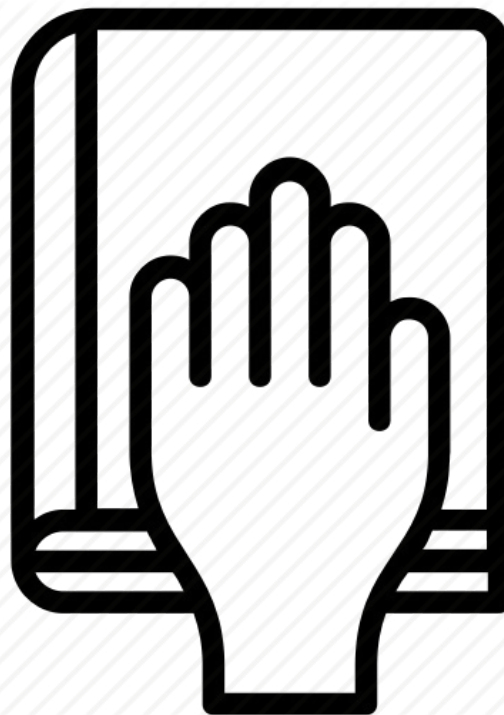
GIVING EVIDENCE

It is ok for a witness to ask for a question to be repeated or to ask for something to be explained.

A witness must understand the question before they can answer it.

A witness must speak clearly so that everyone in the courtroom can hear them.

The most important thing about being a witness/giving evidence is to **tell the truth**.



FREQUENTLY ASKED QUESTIONS

ARE THERE ANY REASONS WHY A TRIAL MIGHT NOT GO AHEAD?

Sometimes a trial cannot go ahead for various reasons, such as:

an important witness is not available because of illness.

the defence legal team has changed or is not ready to go ahead.

the defence team has asked questions about part of the case, causing the trial to be delayed.

the court list is full and there is no judge or court ready to deal with the case.

or because the defence has started a judicial review to stop the trial going ahead because they feel that there was a delay in the victim coming forward or because the investigation took too long.



FREQUENTLY ASKED QUESTIONS

WHAT KIND OF HELP CAN I GET IF I NEED TO GIVE EVIDENCE AS A VICTIM OF A CRIME?

The prosecution solicitor will work with Gardaí to make sure you always know what is happening in the case.

There are also a number of organisations that can offer you a court support service. This means that, if you wish, a volunteer will accompany you to the trial and stay with you throughout.

The Crime Victims Helpline, which provides a telephone support service for victims of crime, can give you contact details for court support and other victim support services.

**YOU CAN CONTACT THE
CRIME VICTIMS HELPLINE AT
1850 211 407**



FREQUENTLY ASKED QUESTIONS

WHAT HELP CAN I GET WITH THE COST OF COMING TO COURT TO GIVE EVIDENCE?

The Garda Síochána is responsible for paying witnesses' expenses. This is the cost to you of coming to court to give evidence.

These expenses may include the cost of taking time off work, travelling expenses, meals and, if you live in another part of the country, accommodation.

Expenses are paid by the Garda Superintendent (District Officer) in the area where the case is being prosecuted.

The Garda dealing with your case can handle this for you. He or she may ask you for receipts for travel and, if you are claiming loss of wages, a letter from your employer.

In some cases, you may be able to get an advance on expenses before the case so that you can travel to court.



FREQUENTLY ASKED QUESTIONS

WHAT HAPPENS IF I DO NOT WANT TO BE IN THE COURTROOM WITH THE ACCUSED WHEN I GIVE MY EVIDENCE?

In most cases, you will have to give your evidence in the courtroom. In some cases, however, you may be able to give evidence by videolink, which is a live television link system.

This has some benefits. You give your evidence to a camera in another part of the court building away from the courtroom.

Lawyers can ask you questions as if you were actually sitting in front of them. Your evidence appears on a TV screen in the courtroom, but you will only see the person asking you questions.



ACKNOWLEDGEMENTS

**Donegal Youth Service
would like to thank the following people &
organisations for making this booklet possible...**

**Judge Paul Kelly
An Garda Síochána
The Courts Service
CYPSC Donegal**



AND FINALLY...

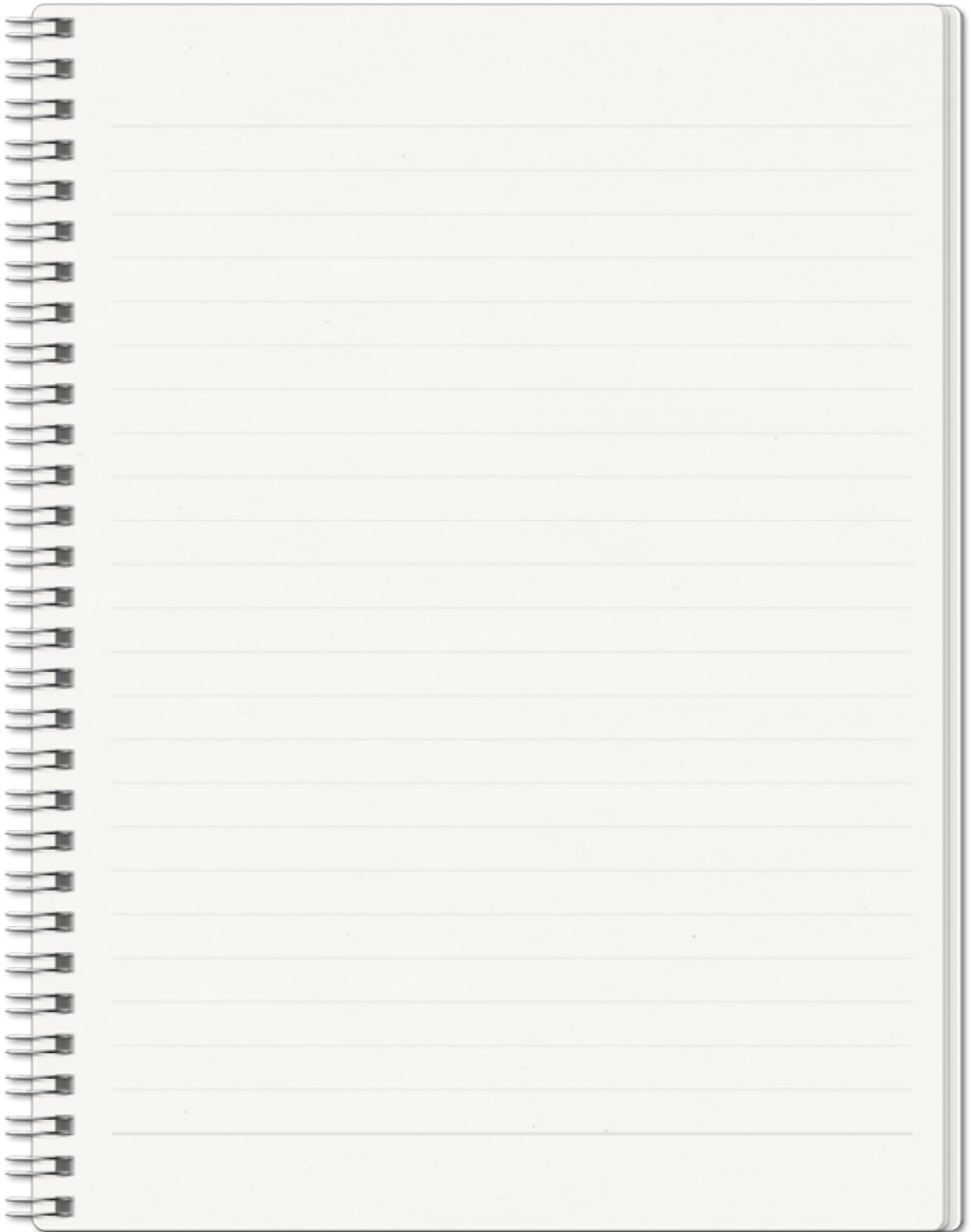


JUST REMEMBER 2 THINGS...



NOTES

Any thoughts? Put them here!





**FOR MORE INFORMATION
ABOUT ANY OF THE ISSUES
OR TOPICS RAISED IN THIS
BOOKLET PLEASE CONTACT:**

**DONEGAL YOUTH SERVICE
074 91 29630
16-18 PORT ROAD
LETTERKENNY**

This is a project of the Safe & Secure Subcommittee of the Donegal Children & Young People's Services Committee. This project was led by Donegal Youth Service, Supported by CYPSC Seed Funding from the Department of Children & Youth Affairs.

Donegal
Youth Service
Youth Work Ireland



Donegal



An Roinn Leanaí
agus Gnóthaí Óige
Department of
Children and Youth Affairs