

Shadowing

Audio recording of the English court interpreting exercise 11, shadowing. In this exercise you will be shadowing the speaker. You must repeat in English everything you hear as soon as you hear it.

Exercise 11

Members of the jury, before you hear the evidence in this case, I'm going to spend a few minutes explaining some basic principles that will be important for you in deciding this case. I also wish to explain a little further what I expect will happen during the course of this trial.

I shall begin with some general comments on the judge and jury system. This system is one of the oldest and most important of our legal traditions. It is a team system where you are the judges of the facts and I am the judge of the law. Each of you has been selected for this trial as a judge of this court with responsibility over the facts of this case. Just as when I was appointed to and undertook my duties I was sworn into office, you have taken an oath before you embarked on your task as a juror in this case. You are for this trial judges of this court with the exclusive responsibility for assessing and reaching conclusions concerning the evidence. By the same token, when I tell you what the law is, my view of the law must prevail. I am the exclusive judge of the law with exclusive responsibility for that for this trial. It would be wrong for you to decide this case on the basis of what you think the law is or what you think it should be.

There are two other basic principles which are fundamental to your role as jurors. They are the requirement for proof beyond a reasonable doubt and the presumption of innocence. The requirement for proof beyond a reasonable doubt means just what it says. No person accused of a criminal offence in Canada can be found guilty unless the Crown proves each and every part or element of that offence beyond a reasonable doubt. Similarly, our system of law requires that an accused person be presumed or considered to be innocent. Bryan David Paterson has no obligation to prove that he is not guilty or to explain the evidence offered by the Crown. The law presumes him to be innocent until you, as the triers of fact, decide otherwise. What does this mean to you as jurors? First, it means that the law requires you to decide whether

the accused is guilty or not guilty based on a careful consideration of all of the evidence you will hear in this courtroom.

Second, the requirement for proof beyond a reasonable doubt and the presumption of innocence mean that you must pay close attention to the evidence because you can only return a verdict of guilty if you are satisfied that each element of the offence charged is proved beyond a reasonable doubt. If you are left with a reasonable doubt after you consider all of the evidence you must give the benefit of that doubt to Bryan David Paterson and return a verdict of not guilty.

When I finish these remarks I will call upon Mr. Burger, the lawyer representing the Crown, to make his opening statement to you. Mr. Burger will tell you what he expects the evidence will be and what he expects the various Crown witnesses will say. The purpose of this opening statement is to make it easier for you to follow the evidence as the witnesses testify. It is important, indeed critical, that you understand that the opening statement of Crown counsel is not evidence because it is not given under oath by a witness from the witness box. Opening statements are given for a very specific reason. The evidence in a trial such as this is not a narrative that unfolds chronologically and sequentially like a book or a TV play or a movie. Witnesses are called who testify as to what they know about a particular series of events. In many respects, it is like a jigsaw puzzle with witnesses testifying as to particular areas that they know about so that you can understand the whole picture. The opening given to you is so you can have an overview of that evidence so that when each piece comes forward you can fit it into the overall picture more easily. It is very important that you understand that what is said to you by counsel in opening statements is not evidence. The evidence will come primarily from witnesses who testify from the witness box and also from documents or exhibits placed before you.

Once Mr. Burger finishes his opening statement he will call the first Crown witness and will begin direct examination of that witness. Direct examination is a series of questions that give the witness an opportunity to tell you what he or she knows about the case. On direct examination counsel is not supposed to ask a question that suggests the answer which is known as leading questions. It is considered objectionable because it amounts to counsel giving the evidence while the witness merely agrees or disagrees.

After Mr. Burger asks all of his questions of a witness Mr. Darrow will have the opportunity to conduct cross-examination of the witness.

Like direct examination cross-examination is a series of questions. The purpose of cross-examination is to test the evidence given by the witness and to bring out facts that may assist the accused. Counsel may ask questions to test the truthfulness or ability of the witness to see things or to remember them or he may choose to ask no questions. Leading questions are allowed on cross-examination.

After the completion of any cross-examination by Mr. Darrow the witness may be re-examined by Mr. Burger on any new matters brought up during cross-examination that may require further explanation. This procedure will continue for each witness until you've heard all of the Crown witnesses.

Once the Crown finishes presenting its evidence, Mr. Darrow may present evidence on behalf of his client. If defence chooses to present witnesses, we will follow the same procedure as we did for Crown witnesses only this time Mr. Darrow would conduct direct examination and Mr. Burger will conduct cross-examination. Where an accused person decides to present evidence, the Crown may have the right to call evidence in reply. If that happens it will be similar to the first part of the Crown case.

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