

# MAGISTRATE STAFF

# JEI TRAINING



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# JURISDICTION

In order for a court to hear a matter, it must be cloaked with Jurisdiction. There are three types of Jurisdiction:

- ❖ Physical jurisdiction which deals with boundaries
- ❖ Local jurisdiction which deals with a particular court in the island
- ❖ Statutory limitation which deals with passage of time



# COURT HIERARCHY

The Court system of the Turks and Caicos Islands (TCI) has different tiers.

- ❖ Magistrate's Court.
- ❖ Supreme Court
- ❖ Court of Appeal
- ❖ Judicial Committee of Privy Council

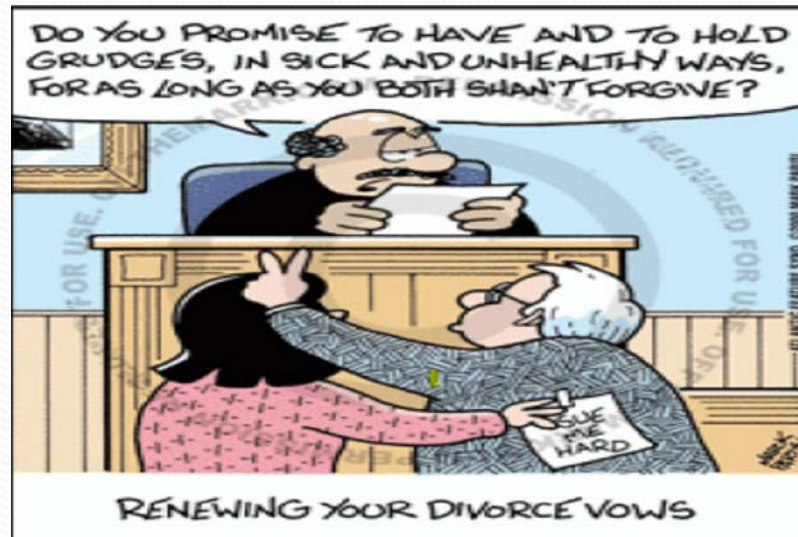


# LOCAL JURISDICTION

An individual has come to the court and stated that they would like to file a divorce petition, does the Magistrate court have the jurisdiction to try this matter?

Does the Magistrate Court have the jurisdiction to try a person for Murder?

It is therefore important for the court to know its jurisdiction.



# STATUTORY LIMITATION

In the majority of summary matters, an accused person must be charged within 6 months of the commission of the offence. If that period has elapsed and the person cannot be charged with that offence.

In indictable matters, there is no time limit within which to charge an accused person. Public policy dictates that offender must not be allowed to go free when they commit serious offences.





# CATEGORIES OF OFFENCES

All Criminal matters begins at the Magistrate's Court. Some are heard and tried there, and some are sent to the Supreme Court for trial.

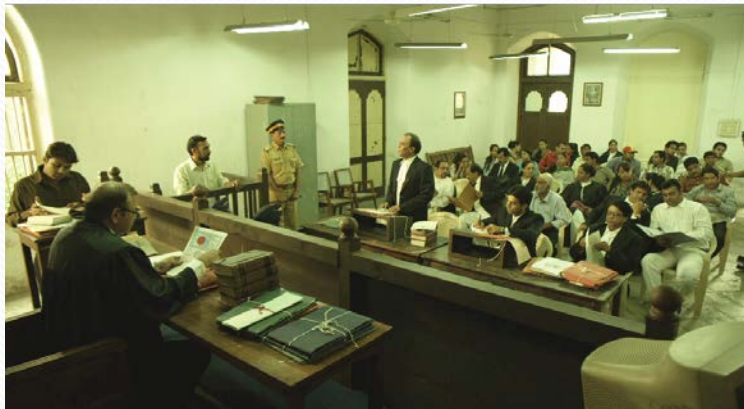
How do we know the difference? Well, cases are divided into three categories:

- Summary Matters
- Indictable Matters
- Triable Either way



# SUMMARY MATTERS

These are offences that are dealt with only by a Magistrate. The Magistrate acts as the Judge and Jury. They take notes of evidence and decide on the innocence and or guilt of the defendant. These matters are decided by Statute (Law). A magistrate has to follow what the law says and has no latitude in his/her decision.





# INDICTABLE MATTERS

These are offences that can only be tried by a Judge and Jury, or a Judge only (e.g., Murder, Rape). They are determined by statute and or common law.





# TRIABLE EITHER WAY

These are matters that according to statute, can be tried either by a Magistrate alone, or at the Supreme Court. Where a person is charged with such an offence, before pleading guilty they must be given the opportunity to choose their court of trial. The magistrate makes the final decision. Section 16 of the Magistrate's Code of Procedure Ordinance (MCPO) sets out various offences that fall into this category but are also set out in most statutes.



# BAIL

The Constitution of the TCI affords every citizen the right to their freedom. Section 5 states that:

## **Protection from arbitrary arrest or detention**



*5.—(1) Every person has the right to liberty and security of person.*

*(2) No person shall be deprived of his or her personal liberty save in accordance with a procedure prescribed by law...*

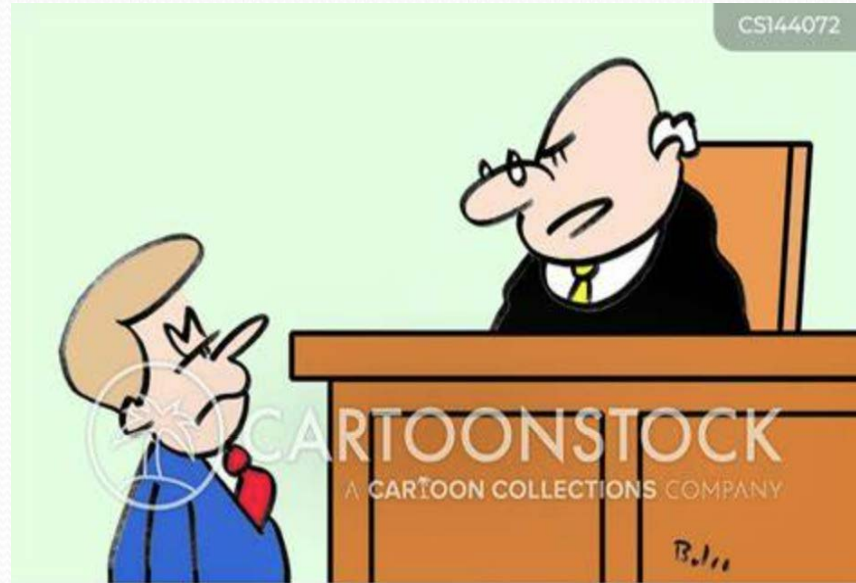
An accused person shall be committed to the prison unless bailed. (Secs 37; 89 - 98)



# THE PLEA

When called upon o plea, there are three answers that can be given:

- ❖ Guilty
- ❖ Not Guilty
- ❖ Plea in Bar



"You can plead 'guilty,' or you can plead 'not guilty' — You can't plead 'no big deal'!"

# THE PLEA – GUILTY

The accused upon having the charge(s) read to him, indicates to the court that he is GUILTY of the charge(s) against him. He must do so personally except where statute allows for his attorney to do so. The court must conduct an inquiry to ensure that the accused understand the charges against him, that he is doing so of his own free will; that he is aware of the possible punishment and that he has a right to legal representation if he is not represented at that time.





# THE PLEA – NOT GUILTY

The accused upon having the charge(s) read to him, indicates to the court that he is NOT GUILTY of the charge(s) against him. He must do so personally except where statute allows for his attorney to do so.

The accused can indicate his position to the court through a translator.



# THE PLEA – PLEA IN BAR

The mystery topic. You should have been told to research this so now let's discuss.

A person cannot plead 'Guilty with explanation'. That's an invalid plea and court should enter a Not Guilty plea.