

PRACTICE DIRECTION (NO 7) OF 2020
SUPREME COURT OF JUDICATURE OF JAMAICA
HOME CIRCUIT COURT SUPERIOR COURTS OF TRIAL
THE SHORTENED EASTER TERM FROM JUNE 1, 2020 – JULY 31, 2020

This Practice Direction is issued by the Honourable Chief Justice and is intended to govern sittings in the Supreme Court of Judicature of Jamaica (Criminal Division), the Circuit Court Division of the Gun Court, and the High Court Division of the Gun Court during the shortened Easter Term (June 1, 2020 to July 31, 2020) following the outbreak of the COVID-19 pandemic. It supersedes Practice Direction COVID - 19 Emergency Directions dated March 23, 2020, Practice Direction Second COVID - 19 Emergency Directions dated April 30, 2020, and Practice Direction Third COVID - 19 Emergency Directions dated May 4, 2020.

GENERAL

1. This Practice Direction is effective immediately and may be revised during the period June 1, 2020 to July 31, 2020 and may be cited as the Home Circuit Court Superior Courts of Trial Practice Direction (No 7) of 2020.
2. For ease of reference, the Supreme Court of Judicature of Jamaica (Criminal Division), the Circuit Court Division of the Gun Court, and the High Court Division of the Gun Court are collectively referred to as the Home Circuit Court Superior Courts of Trial (“HCCSCT”).
3. There will be no ceremonial opening for the HCCSCT.
4. Trials that can be done without a jury will take place, provided they can be conducted while observing the health protocols and guidelines issued by the Ministry of Health and Wellness, and the public health authorities.

5. Guilty pleas and discontinuation of cases will be accommodated.
6. The Crown and the defence are being encouraged to make full use of the *Plea Negotiations and Agreement Act, 2017*.
7. Except for guilty pleas, the entry of *nolle prosequis*, and the Crown offering no evidence against defendants, criminal trials during the currency of this Practice Direction will not involve more than three (3) defendants. This is to ensure that physical distancing can be maintained in accordance with the recommendations of the Ministry of Health and Wellness, and the public health authorities.
8. There will be no trials involving a jury for the period Monday, June 1, 2020 to Friday, July 31, 2020 at the HCCSCT.
9. All jurors summoned for service at any of the courts to which this Practice Direction applies for any period from Monday, June 1, 2020 to Friday, July 31, 2020 are not required to appear and are discharged without risk of any penalty.
10. It is expected that judges, counsel, and all court users will engage best practices regarding case management so that effective caseload principles can be effected and maintained.
11. Effective case management and caseload management require that dates for future action including for trial will be realistic and that no more cases than can reasonably be accommodated on a given day are set down, whether for mention, case management, or trial.
12. The purpose of paragraphs 10 and 11 is to maximize the use of judicial time, the time of litigants, witnesses, police officers, probation officers, attorneys-at-law and any other person involved in the judicial process so that they do not attend court unnecessarily.

13. Attorneys-at-law at the public and private bar will have the option of appearing by remote hearing from a remote location provided that this can be done conveniently and without significant connectivity issues.
14. Where, in the opinion of the judge, the remote hearing cannot be conducted efficiently and is proving to be too inconvenient to the court, the remote hearing shall cease and the attorneys-at-law will be required to attend court in person on the date and time fixed for the hearing.
15. **These arrangements may change at short notice because of the very dynamic circumstances in which the HCCSCT are operating. Please exercise patience and forbearance.**

DEFINITIONS

16. "Remote hearing" means proceedings taking place by means of telephone conference call, video-conferencing or any other form of electronic communication.
17. "Remote location" means any place other than inside the courtroom or chambers where a trial or hearing is taking place.

SUSPENDED SITTINGS OF THE HCCSCT

18. The sitting of the HCCSCT that was suspended on Monday, March 23, 2020 will resume Monday, June 1, 2020.
19. On the resumption of the HCCSCT on Monday, June 1, 2020, the sitting of the Hilary Term 2020 that was suspended on Monday, March 23, 2020, will be brought to a formal close with the taking of the gaol delivery and any other necessary formality.

- 20.** The formal commencement of sitting of the Easter Term for the HCCSCT will take place on the said Monday, June 1, 2020 immediately on the formal closing of the Hilary Term 2020 of the said court.
- 21.** All conditions of bail continue to apply.
- 22.** The reporting conditions that were suspended in respect of persons on bail who either lived in the parish of St Catherine or who were required to report to a police station in the parish of St Catherine, are back in force upon the publication of this Practice Direction in the Gazette.
- 23.** All defendants whose bails were extended to Monday, June 1, 2020 are to attend court on the dates and times assigned to them. These persons are to abide by the dates and times published in the court lists.
- 24.** Defendants whose bails were extended to Monday, June 1, 2020, and who have not agreed any other date for trial or mention, are to appear before the said HCCSCT on Monday, June 1, 2020. This applies whether or not such persons are represented by an attorney-at-law.
- 25.** No defendant in custody who is scheduled to appear at the HCCSCT for bail application or mention is to be brought to the HCCSCT building during the period covered by this Practice Direction. These persons will be dealt with by remote hearings only.

MANAGEMENT OF CRIMINAL CASES AT THE HCCSCT

ALL CASES EXCEPT THOSE LISTED IN THE HIGH COURT DIVISION OF THE GUN COURT will be dealt with in the following manner:

a. COURT 1 (TRIALS SCHEDULED FOR COURTS 1, 2, 3, AND 6 FOR MONDAY, MARCH 23, 2020 TO FRIDAY, MAY 29, 2020 AND DEFENDANTS ON BAIL):

- i. all matters that were scheduled for **trial** during the period Monday, March 23, 2020 to Friday, May 29, 2020; **and**
- ii. the **defendants** are on **bail**.

These cases will be dealt with during the days listed below at the dates and times assigned to them:

- (i) Monday, June 1, 2020 to Friday, June 5, 2020;
- (ii) Monday, June 8, 2020 and Tuesday, June 9, 2020.

b. COURTS 2, 3, AND 6 (DEFENDANTS IN CUSTODY FOR PLEA AND CASE MANAGEMENT HEARING):

- i. all matters that were scheduled for **plea and case management hearing** during the period Monday, March 23, 2020 to Friday, May 29, 2020; **and**
- ii. the **defendants** are in **custody**.

These matters will be dealt with by remote hearing in the manner indicated below on the dates and times assigned to them:

- (i) Monday, June 1, 2020 to Friday, June 5, 2020 defendants at Horizon Adult Remand Centre, Tower Street Adult Correctional Centre, Kingston Central Divisional Headquarters, and the Half Way Tree Police Station;
- (ii) Monday, June 8, 2020 to Friday, June 12, 2020 defendants at the Horizon Adult Remand Centre.

Kingston Central Divisional Headquarters and Half Way Tree Police station will be streamed to **COURT 2**.

Tower Street Adult Correctional Centre will be streamed to **COURT 3**.

Horizon Adult Remand Centre will be streamed to **COURT 6**.

c. COURT 8 (TRIALS SCHEDULED FOR COURTS 1, 2, 3, AND 6 FOR MONDAY, JUNE 1, 2020 TO FRIDAY, JUNE 5, 2020 AND DEFENDANTS ON BAIL):

- i. all matters that were **scheduled** for **trial** in **COURTS 1, 2, 3, 6 AND 8** during the week of Monday, June 1, 2020 to Friday, June 5, 2020; **and**
- ii. **defendants** are on **bail**.

These cases will be dealt with on Monday, June 1, 2020.

d. COURT 5 (DEFENDANTS ON BAIL FOR PLEA AND CASE MANAGEMENT HEARING):

- i. all matters that are scheduled for **plea and case management hearing** for the period Monday, June 1, 2020 to Friday, June 5, 2020; and**
- ii. where the **defendants** are on **bail**.**

These cases will be dealt with on the dates originally scheduled.

e. COURT 5 (DEFENDANTS IN CUSTODY FOR PLEA AND CASE MANAGEMENT HEARING):

- i. all matters that are scheduled for plea and **case management hearing**, for the week commencing Monday, June 1, 2020 to July 31, 2020; and**
- ii. the **defendants** are in **custody**.**

These cases will be dealt with the week commencing June 15, 2020 from remote locations on dates and times to be allotted by the Court.

26. THE CASES LISTED FOR THE HIGH COURT DIVISION OF THE GUN COURT WILL BE DEALT WITH IN THE FOLLOWING MANNER:

a. GUN COURT 1 (DEFENDANTS ON BAIL FOR PLEA AND CASE MANAGEMENT HEARING):

- i. all matters that were scheduled for **case management** for the period Monday, March 23, 2020 to Friday, May 29, 2020; **and**
- ii. the **defendants** are on **bail**.

These cases will be dealt with during the days listed below at the dates and times assigned to them:

- i. Monday, June 1, 2020 to Friday, June 5, 2020;
- ii. Monday, June 8, 2020 to Friday, June 12, 2020.

b. GUN COURT 2 (DEFENDANTS IN CUSTODY FOR PLEA AND CASE MANAGEMENT HEARING AND BAIL APPLICATION):

- i. all matters listed for **plea and case management hearings** and **bail applications** for the period Monday, March 23, 2020 to Friday, May 29, 2020; and
- ii. the **defendants** are in **custody**.

These cases will be dealt with by remote hearing from the Horizon Adult Remand Centre during the days listed below at the dates and times assigned to them:

- i. Monday, June 1, 2020 to Friday, June 5, 2020;
- ii. Monday, June 8, 2020 to Friday, June 12, 2020.

c. GUN COURT 7 (TRIAL MATTERS PREVIOUSLY SCHEDULED FOR GUN COURTS 1, 2, AND 7 FOR MONDAY, JUNE 1, 2020 TO FRIDAY, JUNE 5, 2020 AND MONDAY, JUNE 8, 2020 TO FRIDAY, JUNE 12, 2020):

- i. all matters that are scheduled for trial in **GUN COURTS 1, 2, AND 7** for the weeks Monday, June 1, 2020 to Friday, June 5, 2020 and Monday, June 8, 2020 to Friday, June 12, 2020 will be dealt with on the dates previously assigned.

d. COURT 4 (DEFENDANTS ON BAIL FOR PLEA AND CASE MANAGEMENT HEARING):

- i. all matters that are scheduled for **plea and case management hearings**, for the period June 1, 2020 to July 31, 2020; **and**
- ii. **the defendants are on bail.**

These cases will be dealt with on the dates originally scheduled.

e. COURT 4 (DEFENDANTS IN CUSTODY FOR PLEA AND CASE MANAGEMENT HEARING AND BAIL APPLICATION):

- i. all cases that are scheduled for **plea and case management hearing**, for the week commencing Monday, June 1, 2020 to July 31, 2020; **and**
- ii. **the defendants are in custody.**

These cases will be dealt with the week commencing June 15, 2020 from remote locations on dates and times to be allotted by the Court.

CASE LISTINGS

27. Matters will be dealt with on the day, dates, and times allotted to them.

28. **THE MAXIMUM NUMBER OF CASES SET FOR EACH DAY WILL NOT EXCEED 15 AND EACH CASE WILL BE ALLOCATED A TIME SLOT NOT EXCEEDING 30 MINUTES.**

29. The day allocated to each defendant whether or not on bail and the time slot assigned to them will be posted on the websites of the Court of Appeal of Jamaica, Supreme Court of Judicature of Jamaica, the Parish Courts of Jamaica, and the Court Administration Division.

30. The relevant information has also been sent to the Jamaica Constabulary Force which will assist in disseminating the information to police stations where defendants can attend to obtain the date and time slots allotted.

31. Attorneys-at-law are asked to consult these websites and advise their clients accordingly.

32. Defendants in custody will be given priority at each day's hearing and their cases will be dealt by way of remote hearing from a remote location.

PART HEARD AND SENTENCING CASES

33. A list of all part heard cases and matters for sentencing will be generated and dates will be allocated for continuation of trials and sentencing.

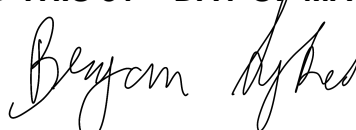
34. The dates set for sentencing will be dependent on the completion of the antecedent report, and the social enquiry report.

NEW CASES

35. All new cases for the period Monday March 23rd 2020 and Monday May 29th 2020 that have not yet been placed before a Judge are to be assigned attorneys from the Legal Aid Board to ensure the expeditious handling of the cases.

36. If the defendants have retained attorneys, then the assignments will be revoked.

DATED THIS 31TH DAY OF MAY 2020

A handwritten signature in black ink, appearing to read "Bryan Sykes". The signature is written in a cursive style with a large initial 'B'.

BRYAN SYKES OJ, CJ

CHIEF JUSTICE OF JAMAICA