

PRACTICE DIRECTION (NO 10) OF 2020
SUPREME COURT OF JUDICATURE OF JAMAICA
RURAL CIRCUIT SUPERIOR CRIMINAL COURTS OF TRIAL

This Practice Direction is issued by the Honourable Chief Justice and intended to govern sittings in Rural Circuit Courts of the Supreme Court of Judicature (Criminal Division), the Circuit Court Division of the Gun Court, and the High Court Division of the Gun Court as of Wednesday, September 16, 2020 until further notice

GENERAL

1. This Practice Direction comes into effect on Wednesday, September 16, 2020 and will continue in effect until revoked or amended.
2. For ease of reference the Rural Circuit Courts of the Supreme Court of Judicature (Criminal Division), the Circuit Court Division of the Gun Court, and the High Court Division of the Gun Court sitting at locations other than Public Building East, King Street, Kingston are collectively known as the Rural Circuit Superior Criminal Courts of Trial ('RCSCCT').
3. There will be no ceremonial opening for the RCSCCT until further notice.
4. Any person exhibiting flu-like symptoms and any symptoms of the COVID – 19 virus will not be allowed to enter any of the court buildings.
5. Any person exhibiting signs and symptoms of COVID – 19 after entry to any of the court buildings will be required to leave immediately.
6. Temperature checks will be administered at all entry points to the courts and persons with temperatures (98.6⁰ (F); 37⁰ (C)) or higher will be denied entry.

7. All persons entering the court building must be wearing face covering at the time of entry and must continue to wear such covering when traversing the corridors and other public spaces within the courts.
8. Trials and other in-person hearings will be conducted in accordance with the guidance issued by the Ministry of Health and Wellness.

DEFINITIONS

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

TRIALS

11. Jury trials at the RCSCCT remain suspended until further notice.
12. Bench trials will take place in the RCSCCT.
13. Guilty pleas will be accommodated and in instances where defendants wish to enter a plea of guilty those cases will be accommodated regardless of the date previously set for trial or mention.
14. Guilty pleas, summation, and verdict are to be done only in-person.
15. All cases scheduled for trial in the Western Regional Division of the High Court Division Gun Court, Montego Bay, St James, that originated in the parishes of Trelawny, Hanover, and Westmoreland are to be transferred to the Circuit Court for parishes named in this paragraph during the sitting of the Circuit Court for those parishes unless they have been disposed of previously.

16. All cases scheduled for trial in the High Court Division of the Gun Court located at the Supreme Court of Judicature of Jamaica, Public Building East, King Street, Kingston that originated in the parish of St Catherine, are to be transferred to the Circuit Court for the Parish of St Catherine during the sitting of that Circuit Court unless disposed of previously.

17. In respect of the St Catherine Circuit Court there will only be one court sitting in that parish until further notice.

CASE MANAGEMENT

18. The case management courts will continue to operate and will be acting in accordance with Practice Direction (NO 6) of 2020 dated the 30th day of May 2020 and counsel for the Crown and defence must be prepared accordingly.

19. Unless the judge of the case management court orders otherwise defendants in custody will not be taken to court and the case management hearing will be conducted remotely.

20. Where the defendant intends to offer a plea of guilty or the Crown intends to offer no evidence then in both instances the plea and the offering of no evidence is to be done in person.

21. The Judge must be present in an open court.

JURORS

22. All jurors summoned for service at any RCSCCT for the Michaelmas Term 2020 (September 16, 2020 to December 20, 2020) are not required to appear and are discharged without risk of any penalty.

SENTENCING

23. All sentencing of persons convicted of criminal offences is to take place in person.

24. Any social enquiry report (SER) requested by the court will be in the short form unless the judge specifically requests the long form of the report.

25. Any SER requested is to be sent by electronic mail to the following email addresses of the criminal registry or Gun Court Registry as the case may be:

criminalregistry@supremecourt.gov.jm

guncourtregistry@supremecourt.gov.jm

26. Counsel for the Crown and the defence may appear remotely.

27. Where Probation Officers are needed in court their appearance should be facilitated from a remote location unless the Judge orders otherwise.

28. The Judge must be present in open court

DATED THIS 15TH DAY OF SEPTEMBER 2020



BRYAN SYKES OJ, CD

CHIEF JUSTICE