

The Supreme Court is Queensland's highest court. It deals with the most serious criminal cases such as murder, attempted murder and major drug offences and with civil cases that involve claims over \$250,000 or a dispute about a government decision. The Supreme Court is made up of the Trial Division and the Court of Appeal.

WHAT HAPPENS IN THE TRIAL DIVISION?

The Supreme Court Trial Division is presided over by a Supreme Court judge who usually wears robes and a wig and is called 'your honour' in court. In the Supreme Court, a case may be heard before a judge and jury. In criminal cases, the jury consists of 12 people and they must give a unanimous decision. In civil cases, a jury is rarely present, but consists of 4 people and the judge may accept the decision of the majority should one jury member disagree.

Criminal Cases

The Supreme Court deals with the most serious criminal offences which cannot be dealt with in the Magistrates Court or District Court. At the 'committal hearing' in the magistrates court, the magistrate will set a date for a hearing in the Supreme Court. If the magistrate is of the opinion that the accused is a risk to the community or themselves, they will be remanded in custody – kept in jail until the trial and travel to from the jail to trial each day. If they are not considered a risk, they will be released on bail.

During the trial, the defendant and the prosecution (from the Office of the Director of Public Prosecutions) will present their case and support their argument with evidence which may include calling witnesses (including expert witnesses), presenting sworn written accounts of events (affidavits) and physical evidence. Witnesses called to support one side may be questioned ('cross examined') by the other the other side. It is the judge's duty to make sure the case is run according to the law. After both cases have been presented, the judge sums up by commenting on the evidence and providing direction on the law to the jury.

The jury then goes to the jury room to consider the evidence and come to a verdict. If they cannot agree, it is called a 'hung jury' and the judge may order a new trial. If they reach a verdict of 'not guilty', the defendant is acquitted and can go free. If the jury reaches a verdict of 'guilty', the judge will pass a sentence, which may include a fine, community service or a prison term.

Civil Cases

Civil cases that involve a claim between over \$250,000 or involve a dispute over a government decision are heard in the Supreme Court. As in criminal cases, both parties present their cases and support their arguments with evidence. While there can be a jury, civil cases are usually heard by a judge alone who hands down a decision with reasons. The judge may direct that money be paid or that a party rectify a problem that caused the dispute.

WHAT HAPPENS IN THE COURT OF APPEAL?

The Court of Appeal hears appeals from the District Court and the Trial Division of the Supreme Court as well as many tribunals. Only decisions involving an error in law can be successfully appealed.

3 or 5 Supreme Court judges make up the Court of Appeal. The judges listen to arguments for each side and decide whether to let the original decision stand, order a new trial or substitute an order, for example, order a heavier or lighter sentence.

At Ferguson Cannon Lawyers, we have extensive experience dealing with both civil and criminal matters at all levels of the Queensland Court system.