

The District Court is the second level in the Queensland Courts System after the Magistrates Court and before the Supreme Court. It deals with criminal and civil matters that are more serious or involve larger amounts of money than the Magistrates Court is permitted to deal with.

The District Court is presided over by a District Court Judge who wears robes and a wig and is referred to in court as "your honour". In the District 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.

### **WHAT HAPPENS IN THE DISTRICT COURT?**

#### **Criminal**

The District Court deals with indictable offences such as armed robbery, rape and dangerous driving. These are matters which cannot usually be dealt with in the magistrates court, so the magistrate will set a date for a hearing in the District Court.

At a criminal hearing, the defendant (also referred to as 'the accused') is present in the court room throughout. The defendant is usually represented by a barrister (who wears robes and a wig), and a solicitor who assists the barrister.

At the hearing, the defendant and the prosecution (from the Office of the Director of Public Prosecutions) will present their cases and support their argument with evidence which may include calling witnesses (including expert witnesses), presenting sworn written accounts of events (affidavits) and physical evidence. It is the judge's duty to ensure the case is run according to the law. After both cases have been presented and closed, 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**

Civil cases that involve a claim between \$50,000 and \$250,000 can be heard in the District Court. As in criminal cases, both parties present their cases and support their arguments with evidence. 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.

The District Court is also comprised of the Children's Court of Queensland which deals with more serious offences committed by children under 17 and the Planning and Environment Court which deals with disputes related to town planning issues.

At Ferguson Cannon Lawyers, we have extensive experience representing clients in the District Court in both civil and criminal matters.