

# The High Court of the Crofton Islands



High Justice Noel Fleming

Procedures on High Court Review  
Procedures on Judicial Decision Review

## Procedures on High Court Review

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The High Court of the Crofton Islands is the final voice in all legal matters. For an issue to be eligible for a High Court Review, it must first have been presented before a lower court. Any party unsatisfied with the outcome may draft a letter to the Supreme Justice of the High Court containing the following details:

- Brief description of the issue and complaint
- Date, time, plaintiff and attorneys, defendant and attorneys, and presiding Justice
- Justification why the High Court should review the case
- Whether or not the conflicting party has been notified of the intention to submit the issue for High Court Review. (It is necessary to do so)

The High Court convenes every three weeks that a case has been submitted. If no High Court session is currently running when a case is submitted, the Supreme Justice will randomly select two lower Justices to initiate a session of the High Court. These three Justices will server as the High Court for three weeks, deciding on a majority vote whether or not to hear a case and, upon hearing a case, to uphold or reverse the previous court's ruling.

If a submission is sent to the High Court near the end of its session without adequate time to review and rule on the case, the submission is held over until the end of the session until a new session begins.

Upon a case being approved for review, within one week of the notice of acceptance having been sent by the Court both sides are required to submit to the High Court no more than five hundred words arguing their side. If this is not done within one week's time, to the minute, the High Court will automatically rule in favor of the side which did file the argument. If neither side files within the required timeframe, the lower court's ruling will be upheld and a subsequent High Court Review will not be possible for at least two months.

Submissions may be made to [highcourt@devolution.net](mailto:highcourt@devolution.net).

## Procedures on Judicial Decision Review

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With the backlog of criminal and civil cases pending, the following method of judicial trial will be made available to any Justice wishing to employ it. The method, Judicial Decision Review, enables a Justice to rule on a matter without hearing formal arguments. Instead, each side will present their material in writing by set deadlines. The presiding Justice will take this material, weigh it, and rule on it in due course.

The process for such a case begins with the filing of formal charges in a criminal suit or the filing of the lawsuit in a civil matter. Within a reasonable time period of the filing, the presiding Justice will decide whether or not to employ the Judicial Decision Review method or pursue the case in a standard live trial at a certain date. The decision belongs solely to the presiding Justice, who may solicit opinions from the parties involved.

In the event that the Justice selects the Judicial Decision Review, the Justice will also select a particular date at least one week from the announcement of the decision. This date will become the first deadline for the upcoming review. For the purpose of this explanation, we will select the completely random date of May 12.

### May 12 Judicial Decision Review Schedule

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- May 12 : Witness / Evidence Lists Required (Plaintiff, Defendant)  
*Plea Required* (Defendant)
- May 13 : Plaintiff Opening Argument Due  
Defendant Opening Argument Due
- May 15 : Plaintiff Witness / Testimony Statements Due
- May 16 : Defendant Witness / Testimony Statements Due
- May 17 : Evidence Analysis Statements Due (Plaintiff, Defendant)
- May 19 : Recall Witness / Testimony Statements Due (Plaintiff, Defendant)  
Final Arguments Due (Plaintiff, Defendant)

Verdict Delivered When Reached

All deadlines are at 8:00PM Eastern Time (North America) on the given day.

The presiding Justice will submit an outline of this nature to both parties with the specific deadlines in place. As noted, all deadlines are at 8:00 PM Eastern Time (North America) on the date they fall. If for any reason this deadline cannot be reached, the Justice must be informed within two days of the outline being submitted to the parties. If no notice is given at least three days in advance of the commencement of the Judicial Decision Review, the matter will be considered agreed upon. If adequate notice is given, the Justice may decide to alter the time and dates of the deadlines at his or her discretion. No deadline may be advanced in proximity to a previous or subsequent deadline, but additional days can be inserted into the schedule, expanding the timeframe.

In detail, the process begins with the 'Witness / Evidence Lists Required (Plaintiff, Defendant)'. Both sides of the conflict are required by the first day, at the appointed time, to file who they intend to question and submit any form of statement from and any evidence they intend to enter. No document, object, testimony, or other fact or argument may be presented, aside from the lawyer's own opening and closing arguments, if not presented in a list:

#### Plaintiff Witness List

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John Doe (Specialist, Forensic Science)  
Jane Doh (Linguistic Specialist)  
Jill Baker (Witness, June 15, 2004)  
Jim Baker (Witness, June 15, May 5, 2004)

#### Plaintiff Evidence List

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Bullet (9mm / DNA, Firearm Match)  
Photograph (June 15, 2004, suspect, Jill Baker)  
Handgun (9mm / Serial: XXXXXXXXX)

Note that the witnesses should be identified as to their relevance to the case either as an expert or a witness to the incident in question or to past incidents suitably useful for a ruling in the matter. If the witnesses are speaking of specific incidents, the dates must be provided if known. If not known, the phrase 'Unknown Date(s)' must be provided and, at the request of the conflicting party, a brief description of the incident to be discussed must be provided to the conflicting party.

The evidence list should contain a basic description of the items that will be submitted to the Court for review, suitably enough to tell the items apart in storage. The evidence items must be turned over to the Court on this date as well.

The witness and evidence lists, plus the evidence itself, must be turned over to the Court on the first deadline. This deadline will be the date set by the Justice as the first day of the Judicial Decision Review normally.

On the first day of the Judicial Decision Review, the defendant should also provide a written statement, signed and dated both by the defendant and counsel, indicating a plea of 'Guilty' or 'Not Guilty'.

A plea of 'Guilty' will assume all guilt and the trial will resume in order to determine punishment. A plea of 'Not Guilty' will assume no guilt unless a verdict rules otherwise. The trial will resume. A plea of 'No Contest' may not be entered in a Judicial Decision Review.

On the first day after the initial commencement date (Commencement date + 1), the Plaintiff and Defendant Opening Arguments are due. These arguments may not be longer than one thousand words. No evidence or witnesses may be alluded to that are not contained in the lists submitted the previous day. The arguments may contain any information, any facts or arguments, otherwise. Unlike a standard trial where the opening statement may contain no arguments, the Opening Argument of the Judicial Decision Review trials are where the bulk, if not all of the arguing by an attorney or party will be done.

If the Justice decides it is necessary, he or she may grant additional time for this deadline. Doing so, the Justice must postpone each additional deadline to provide ample time for each. No deadline can be shortened from the one preceding or following it.

At least two days later (Commencement date + 3), the Plaintiff Witness / Testimony Statements will be due. These statements must have been solicited by either party of the trial and must be signed by both the party soliciting and the witness or expert giving the testimony. The statement may not be altered in any way and must be dated. No testimony statement may be longer than five hundred words. Only witnesses or experts named on the Witness List provided by either side may be solicited and submitted.

Exactly one day later (Commencement date + 4), the Defendant Witness / Testimony Statements will be due. These statements will be identical in qualifications and requirements to the Plaintiff's. Only

witnesses or experts named on the Witness List provided by either side may be solicited and submitted.

This deadline cannot be altered in distance from the Plaintiff Witness / Testimony deadline. This is a matter specifically to preserve the fairness of the trial. It must remain exactly one day from the previous deadline, regardless of circumstances.

At least one day later (Commencement date + 5) the Evidence Analysis Statements will be due from both the plaintiff and defendant. These statements must uphold the same qualifications and requirements as the Witness / Testimony Statements, but each may be submitted with a two-hundred-fifty word argument. The statement must have been solicited from a member on either party's Witness List, regardless of whether that witness or expert has already given testimony in the form of a statement. The statement must be from a source qualified to give expert testimony on the evidence in question, either from academic knowledge, experience, or private knowledge of the subject. In other words, the expert must have studied or worked in a field in which knowledge attained would be useful in reviewing this piece of evidence or the expert must have a private, personal knowledge of this particular item, which must be explained.

Either party may submit analysis of any item in evidence, regardless of who submitted it into evidence. No more than two statements from two separate witnesses on either party's Witness List may be submitted per item. Each item's analysis may be submitted along with a two-hundred-fifty word argument from the counsel to the party submitting. The argument must be clearly indicated and separated from the rest of the statement and must be signed and dated by the individual entering the argument, normally the counsel.

At least two days following (Commencement date + 7) the Recall Witness / Testimony Statements will be due from both parties. These statements must adhere to the rules previously mentioned for statements, but may revisit any witness on either party's Witness List. The purpose of these statements must not be to enter new testimony or new facts, but to explain, discredit, or reinforce previous testimony by any witness or expert.

On the same date, the Final Arguments will be due from both parties. These arguments may be no longer than one thousand words and may contain little to no new arguments. They should compound upon what has been presented, arrange and present the material, and even suggest a course of action or procedure for reviewing the material. The Final Arguments may suggest motives, situations, and assumptions.

Following the submission of the Final Arguments, the trial will be recessed while the Justice reviews the material. The decision may take up to one week. Beyond that, the case will be considered a mistrial and may be tried again. While awaiting a second trial, any punishment must be suspended, including the detainment of the defendant in a criminal case.

All submissions, including the plea, must be made to the presiding Justice, the Court Commissioner, the Defendant, and the Plaintiff. Only one person from the Defendant or Plaintiff parties must be a recipient. That person must be decided by the person speaking on behalf of the Defendant or Plaintiff, respectively. All parties should make their contact information (e-mail address) available before the commencement of the Judicial Decision Review. Failure to do this or failure to meet any deadline can result in a ruling against the offending party and/or a contempt of court charge. Contempt of court can carry a fine and/or jail time. All contact information (e-mail address) may be provided to the presiding Justice or Court Commissioner to distribute to the necessary parties.

These procedures may take effect on 2 July, 2004.