

COURT TERMS

Absolute Discharge - Found guilty but no conviction on a criminal record. Will show on CPIC for one year.

Adjournment - The Crown Attorney and the Defense Counsel come to the court agree to put charges over to another court date.

Affirmation - Oath made by a witness, on the power of their own word, that they will tell the truth.

Appeal - Request by an accused, their defense or the Crown for a review of the court decision by a higher court.

Bench Warrant with Discretion - A warrant that will not be activated if the named person appears at the agreed date. Failure to appear will mean arrest.

Community Service Order - A requirement by the court, usually through probation, where a person will be required to do a set number of unpaid hours of work for the benefit of the community.

Concurrent Sentences - Two or more sentences being served at the same time. (ie. two sentences of 30 days - total time in jail 30 days)

Consecutive Sentences - Two or more sentences served one after the other. (ie. two sentences of 30 days -time in jail 60 days)

Conditional Discharge - A court decision where a person is not registered as having a conviction as long as they complete an agreed upon condition. (ie. restitution). The conviction will show on CPIC for 3 years.

Conditional Sentence - A jail sentence served in the community (at home), possibly with electronic monitoring

CPIC – “Canadian Police Information Centre” is a database of tools for police investigation including criminal records.

Custody - The holding of a convicted person in a secure environment (jail) until they have served out their sentence.

Criminal Record - The register of past criminal charges if there has been a conviction or finding of guilt.

Detention - Holding an accused person in a secure environment (jail) until trial.

Disclosure - The accumulated information gathered by the Crown Attorney for their case. This information is given to the client or lawyer at the client’s first court appearance after being charged and their bail hearing.

Direct Accountability (Diversion/Extrajudicial Sanctions) - If agreed upon by the Crown Attorney, a program may be set up where a first time offender of a minor charge may complete some measures within the community, which will mean the charges will not be proceeded upon and they will not have a criminal record.

Early Resolution Process - A meeting with the Prosecutor before a trial date for the purpose of resolving a ticket offence without a trial. The charge may be amended if deemed appropriate.

Exclusion of Witnesses - Everyone concerned with a case must leave the court room until they are called in to give their testimony. They are not allowed to discuss the case while they wait their turn. Usually after you have witnessed you may remain in the court room to hear the rest of the case.

Indictable Offence - Offences of higher imprisonment or fines connected to conviction. There is an option for trial before a Superior Court Judge or Judge and jury.

Legal Aid - People who cannot afford a lawyer may apply for assistance for legal representation. The Screening form with the determination of options such as jail stated on the form is needed when applying for Legal Aid. A lawyer can be retained only after the applicant is approved and a Legal Aid Certificate has been issued.

Oath - Oath made by a witness, with a belief in a deity, hand on an object of spiritual significance (Bible, Qur’an, Eagle Feather) and with the understanding it stands for truth and honesty, stating they will tell the truth in their testimony.

Probation - A supervised sentence of reporting and counseling as outlined in a court sentence, for those not in custody (jail) or following custody.

Parole - A supervised period of counseling and reporting to a worker through parole board upon early release from jail.

Preliminary Inquiry – A court proceeding before a Judge where the Crown presents their evidence in order for the Judge to determine if there is enough evidence to have a trial. This only involves indictable offences that may be tried in Superior Court

Pre Sentence Report - A history and evaluation of a convicted person and includes special circumstances or information about the accused that may impact the sentence (e.g. the accused has a diagnosed mental illness). The report is ordered by the Crown, prepared by the probation office for the court, and reviewed by the Judge before deciding on a sentence.

Pre Trial - A discussion in the Judges private chambers, between the Crown Attorney, Defense Lawyer and Judge. The purpose is to decide what materials need to be addressed in court, what can be agreed upon, who will be needed to witness, how long will the trial need. Pre. T.’s usually shorten the time needed for an actual trial.

Recognizance (often called a Peace-Bond - 810 order) - A court order of restricting contact of people if one has shown reasonable grounds to fear the other.

Remand - The adjournment of a case to another date

Restitution Order - Payment of damages by accused to the victim made through the courts.

Screening Form - Yellow paper given to accused at the First Appearance Court stating the sentence the Crown will be seeking from the court if you plead guilty.

Sentence

- Provincial - A jail sentence of no more than two years less a day.
- Federal - A jail sentence of two years or more.

Surety - Family or friend who is acceptable to the court to supervise a person released on bail and who will ensure the accused keeps all conditions of their bail and appears for all court dates. The Surety may need to promise money or make a deposit.

Subpoena - A legal paper making attendance in court compulsory. If called as a witness and from out of town your travel will be paid.

Summary Offence - Offences tried by a Judge that have a lower imprisonment or fine issued upon conviction.

Trial Coordinator – assigns cases, Judges and Justices of the Peace to courtrooms.

Transcript - An exact written record of all that has been said in the court room.

Warrant - A court order for the arrest of someone usually for not appearing at court as ordered.

Understanding Court Terms

A Description of Court Personnel and Terms

COURT PERSONNEL

Court Clerk - Sits in the centre in front of the Judge. Handles the court paper work, organizes court schedules, calls court to order, swears in witnesses, reads charges to accused.

Court Officer - Special Constables of the Toronto Police Service (wear blue shirts). Ensure safety and security of court. Responsible for transportation and security of prisoners, and for escorting prisoners in and out of court.

Court Reporters sit beside Court Clerks and in front of the Judge, and makes notes of all that is said in court. Transcripts are exact written copies of the audio recording or the court proceeding.

Crown Attorney - Sits on the right hand side. Responsible for proving criminal charges. Screens the charges laid determines what sentence will be sought from the court.

Defense Lawyer (or Private Counsel) - Sits on the left hand side. A privately paid lawyer for the accused who works for the release of his client, and presents evidence and background history to the Judge.

Duty Counsel (Legal Aid) - Sits on the left hand side. Free legal counsel for bail hearings and pleas for persons without lawyers who help explain court procedure and assist in setting dates at Set Date Court / First Appearance Court.

Judge “Your Honour”- Wears red sash. Hears criminal cases, pleas and determines sentencing. Judges preside in Plea Court and all trial courts.

Justice of the Peace (JP) “Your Worship”- Wears green sash. Assigns dates for cases, hears traffic, provincial & some federal offences, bail hearings, peace bond hearings & others. Issues warrants and subpoenas. Justices of the Peace preside in Bail Court and in First Appearance/Set Date Court.

This information provided by The Salvation Army is a simple outline of legal information and process. It is not intended to give legal advice or substitute for legal counsel in any way.



Giving Hope Today

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