

Glossary of legal and courtroom terms (continued)

Recognizance An accused is released on their own recognizance when the Judge/Justice of the Peace gives permission for them to be released on bail, subject to conditions specified on the appropriate form.

Restitution Return of property which has been taken unlawfully from its owner; payment ordered by the court of the offender to the victim for injuries inflicted upon the victim by the offender. See "Compensation".

Restraining Order Will limit an individual access to another individual, or provide for supervised access through an agreed upon third party. Can be applied for at Family Court, the Provincial Division.

Sentence The punishment given to a person convicted of a crime.

Sentencing Hearing A hearing held after the accused has been found guilty of a crime. The Judge can hear evidence to help decide on an appropriate punishment.

Show Cause Hearing A hearing where the Crown Attorney must convince the court that the accused should be kept in jail until trial. Also known as a "Bail Hearing".

Statute of Limitations A law that fixes a period of time within which legal action may be taken against an alleged offender.

Subpoena An order of the court telling a person when and where they must appear as a witness.

Summary Conviction Offence A less serious crime for which the maximum sentence is six months in jail and/or a \$2000 fine. Probation, discharges and suspended sentences are less severe sentences. Summary conviction offences are dealt with in the Ontario Court (Provincial Division) and are tried by a Judge alone.

Summons Legal documents ordering the appearance in court of an accused person.

Surety A person who agrees to pay the money set out in the recognizance if the accused does not appear for his or her court date. In effect, the surety agrees to be responsible for the accused's appearance on the trial date.

Suspect The person thought of to have committed a crime.

Suspended Sentence A punishment given to a person convicted of an offence which does not require the person to spend time in jail.



Transcript A written copy of court proceedings. For information on obtaining transcripts call the Kitchener Government Information Centre at 519-576-6517 or 1-800-837-0877. Cost is calculated on a per page basis, and should be clarified prior to ordering.

Verdict The decision of the Judge or jury as to the guilt or innocence of the accused.

Victim A person against whom a crime has been committed. Includes those affected by a crime or accident.

Victim Impact Statement A statement written by a victim to tell the court how a criminal offence has affected the victim and those close to them.

Voire Dire A special hearing at which a Judge decides whether evidence can be presented at trial.

Warrant Expiry The latest date on which all of a prisoner's sentences expire.

Warrant for Arrest An order of a Judge or Justice of the Peace giving the police permission to arrest someone.

Witness A person who testifies in court because they have information about the case.

Youth Criminal Justice Act A Federal law which sets out how young people will be treated if suspected of having committed a criminal offence. Applies to anyone over 12 years and under 18 years of age. Provincial laws apply to children under 12 suspected of having committed a criminal offence.

services assisting victims

Victim Services of Waterloo Region Offers 24 hour support to victims of crime and tragic circumstance in the Region of Waterloo. Responds immediately to a scene at the request of an emergency service provider. Provides referrals to community resources and information addressing personal safety needs. Operates the DVERS, ACCESS, and VQRP Programs (contact us for more information).

519-585-2363 www.vswr.ca

Victim Witness Assistance Program (VWAP) Provides information, assistance and support to victims and witnesses of crime in order to increase their understanding of, and participation in, the criminal court process.

Services start after police have laid a charge with the courts and continue until disposition of the court case. Staff can also give case specific information (court dates, bail conditions) and court preparation and orientation.

519-741-3351



contact Us

Phone: 519-585-2363

Fax: 519-746-5658

www.vswr.ca

victimservices@wrps.on.ca

24 hours a day - 7 days a week

office HoUrS:

Monday to Friday

8:30 a.m. – 4:30 p.m.

mail:

Victim Services of Waterloo Region
P.O. Box 3070 200 Maple Grove Rd.

Cambridge, ON N3H 5M1

Attn: North

Division

A member agency of:



To make a donation, please visit



Charitable Tax Number: 860337823RR0001

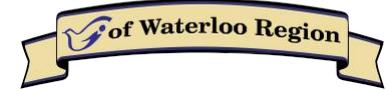


Funded by the Ministry of the Attorney General,
funded in kind by the Waterloo Regional Police



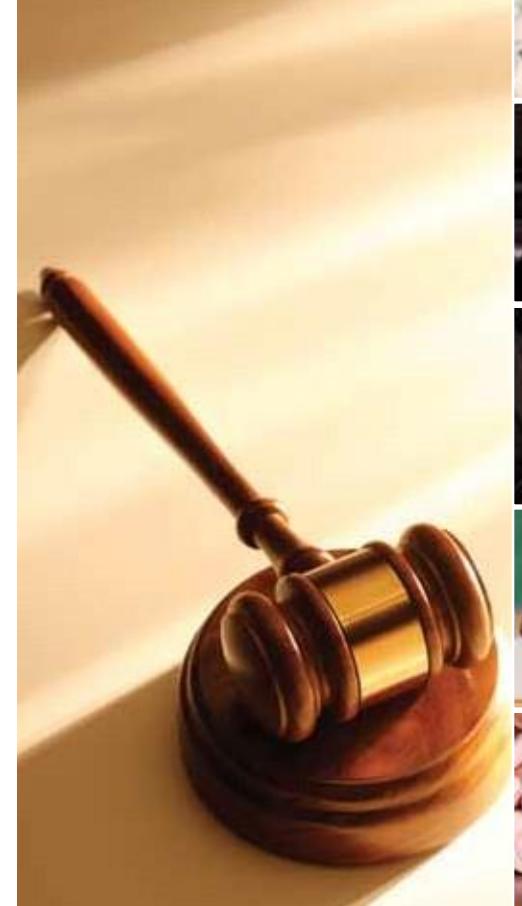
www.victimservicesontario.ca

The views and opinions expressed in this publication do not necessarily reflect the views and opinions of the Ontario Government or the Ontario Ministry of the Attorney General.



Criminal Court Terms

24 hours a day/7 days a week
519.585.2363 www.vswr.ca



victim services of Waterloo region

going to court

Attending court can be very stressful and frustrating. When attending a trial or hearing, one stressful aspect can be that it is hard to understand what the judge and lawyers are talking about.

The average person knows some court terms from watching television or reading the newspaper, but there are many terms used which are likely to be new and strange to them. The goal of this booklet is to provide a reference that can be brought to court or read in advance, in order to help those attending to better understand what they are hearing, and the proceedings in general.

glossary of legal and courtroom terms

Absolute Discharge The lightest sentence that can be given to a person found guilty of a criminal offence. The accused is found guilty, but is not sentenced and not required to serve a sentence.

Acquittal A judgement by the court that the accused is not guilty of the charge(s).

Adjournment Postponement of a case to another time or date.

Appeal A review of a trial decision by a higher court.

Appearance Notice An order that tells the accused to go to court at a specified date and time to answer charges that have been laid.

Assault The intentional or threatened use of force against a person without their consent.

Bail Money/property deposited with the court as a guarantee that the accused will come back for a hearing or trial.

Compensation Money given to make up for financial loss, physical or emotional injury. Usually provided through the Criminal Injuries Compensation Board. See “Restitution”.

Complainant The person who states that a crime has been committed; the victim of the alleged crime.

Conditional Discharge A person found guilty of an offence can be discharged under orders from the Judge to obey certain conditions for a specified time period, instead of a prison term or other punishment. If the accused complies with the conditions, their will not gain a criminal record.

Conditional Sentence A prison term that is served outside of a prison facility, with conditions attached.

glossary of legal and courtroom terms (continued)

Concurrent Sentence Two or more prison terms are served at the same time. Once the longest term specified has been served the prisoner is entitled to be released, instead of having to complete each of the terms one after another.

Consent In sexual assault cases, the court must consider whether or not the complainant consented or agreed to the sexual activity, and whether or not they had the capacity to consent. There must have been no consent for a crime to have occurred.

Consecutive Sentence Two or more separate prison terms, which must be served one after the other.

Contempt of Court Interfering with the administration of justice or ignoring the rules of the court.

Conviction A judgement by the court that the accused person is guilty of the charge(s).

Counsel A lawyer or legal advisor.

Court Docket Provincial court of first appearance where trial dates are set.

Crown Attorney The lawyer representing the Crown. At trial, the Crown Attorney presents evidence of the crime and tries to prove that the accused committed the crime. Also referred to as the “Crown Prosecutor”, “Crown Counsel” or the “Crown”.

Defense Counsel The lawyer representing the defendant at their trial.

Defendant A person accused of an offence and against whom legal action has been taken; a person defending or denying a claim.

Duty Counsel Available to assist people who do not have a lawyer acting on their behalf in the courtroom. Provided by “Legal Aid”.

Evidence Testimony by a witness, or object(s) identified by witnesses that are presented to the court to help the court reach a “verdict”.

Examination for Discovery An oral questioning of the plaintiff by the defendant and vice versa, to find out the details of the plaintiff or defendant’s case, and to help establish that case.

Exculpatory Statement A statement that clears the person speaking of guilt.

Guilty The decision by a Judge or the jury that the accused committed the crime. An accused can admit that they committed the crime by pleading guilty.

Hearing A proceeding. The presentation of evidence in court, for example, a preliminary inquiry, trial or sentencing hearing.

Inculpatory Statement A statement that implicates the speaker is guilty.

Indictable Offense Serious crimes; all crimes involving violence with weapons or injury. Certain offences are punishable with maximum sentences of two, five or fourteen years in prison. The maximum sentence for some indictable offences is life imprisonment. When a person is accused of an indictable offence, he or she usually has the choice of being tried by Judge alone in either the Ontario Court (Provincial Division or General Division), or by Judge and jury in the Ontario Court (General Division).

Indictment Formal written charge of a serious crime (indictable offence) used in Court of Queen’s Bench or Supreme Court

Information A formal accusation charging someone with having committed a crime. Presenting, under oath, a written complaint to a Judge.

Intermittent Sentence A prison term of 90 days or less given to a person convicted of an offence. An intermittent sentence allows the person to serve the prison term in intervals (e.g. on weekends) over a longer period of time.

Judge A person with the authority to hear evidence and decide cases in court.

Judgement The decision of a court in a legal process.

Judicial Pertaining to the administration of justice, belonging to the office of a judge.

Judicial Interim Release Court order granted by a Judge/Justice of the Peace releasing the accused from custody on their own bond or promise to appear.

Jury A group of people chosen by the Crown Attorney and the defense lawyer from a pool of eligible, ordinary citizens. The jury listens to the evidence presented at trial and the Judge’s instructions on how to apply the law, then decides whether or not the accused is guilty.

Justice of the Peace An officer of the court who has some of the powers of a Judge.

Legal Aid Legal services provided to individuals unable to afford a lawyer. Every provincial legal aid option has different rules for eligibility.

Oath A legally binding promise to tell the truth made by swearing on a bible or other religious document. A person who does not want to swear on a religious document makes an “Affirmation”.

Parole The release of a person from prison before the end of their sentence. They continue serving the sentence outside of prison under supervision. They must obey certain conditions or they will be sent back to prison. See also “Mandatory Parole”.

Peace Bond Obtained at a criminal sitting of the Provincial Division of the Ontario Court of Justice. If the police have not charged an individual, but the victim fears for their safety they can go before a Justice of the Peace and swear an information. If the Justice of the Peace feels it is warranted, they will order the other party to appear in court and promise to keep the peace and be of good behaviour. This is called “entering into a recognizance”. If the party refuses to comply, they may be jailed for up to 12 months unless they can show good reason for disobeying the order. Expires within one year.

Perjury To tell a lie in court after having sworn or taken an affirmation to tell the truth. Punishable with up to 14 years in prison.

Plaintiff The complainant. The victim or other person who starts a lawsuit.

Plea The answer given by an accused when charged with a criminal offence - “guilty” or “not guilty”.

Plea Bargaining Negotiations between the defense council and Crown Attorney on charges against the accused, and their pleas. The Crown may accept a guilty plea of a lesser charge instead of incurring the expense and hassle of a trial on the original charge.

Preliminary Hearing A hearing before a provincial court Judge to decide whether there is enough evidence to formally charge the accused.

Probation Punishment given to a convicted person which requires them to obey certain conditions but not to pay a fine or spend time in jail.

Promise to Appear A document that is signed when the accused is released from custody, saying that they promise to appear for their court date.

Publication Ban A court order preventing the media from presenting certain information (often the identity of the victim) to the public.