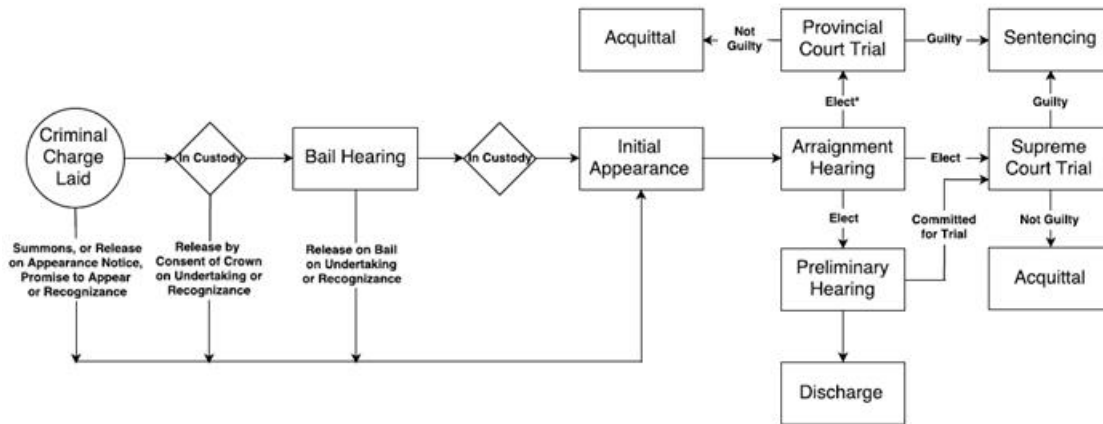


Criminal Case Flowchart



Stages in a Criminal Case

These notes provide more information about criminal procedure – the procedures set out in the Criminal Code of Canada to be followed in criminal cases.

Definitions

Arraignment: A formal court appearance where the accused enters a plea of guilty or not guilty in the presence of a Judge

Committed: If you are committed for trial in the Supreme Court, your trial will be heard by a Supreme Court Judge or Supreme Court Judge with a Jury

Sentence: The penalty that you will face if found guilty. Can include jail time, fines, probation, etc.

Discharge: Where there is not enough evidence at a preliminary hearing to commit the matter to trial in the BC Supreme Court

Elect: Choose which Court to be tried in

Summary vs. Indictable Offence: There are three types of offences (crimes): Summary Offences, Indictable Offences, and Dual or Hybrid Offences. Less serious crimes use what is known as the “summary conviction process”. The court process is simpler and the penalties are lower. More serious crimes proceed “by indictment”. Many crimes are “dual procedure” or “hybrid” meaning the Crown chooses whether it will proceed summarily or by indictment.

Bail Hearing

At a Bail Hearing, the Crown Counsel (the prosecutor) will tell the Judge about your alleged involvement in the crime and about your criminal record if you have one. The Crown will either agree to (consent) or oppose your release.

Your lawyer will tell the Judge about yourself (your home, family, work, school, etc.) and anything else that might help the Judge make a decision. If you do not have a lawyer, duty counsel will be available to help you at this stage.

The Judge will decide if you should be released (on bail) and what you must agree to do if released (conditions).

Initial Appearance

At the Initial Appearance, you will receive disclosure (the details) of the Crown's case against you. You will want to obtain legal advice and decide whether to plead guilty, or to plead not guilty and have a trial. More than one appearance may be necessary to allow you to seek legal advice and decide on your plea. If you do not have a lawyer, duty counsel will be available to help you at this stage.

*Summary Conviction offences stay in the Provincial Court from start to finish. You will only elect (choose which court to be tried in) if charged with a more serious (indictable) offence.

If the Crown proceeds by indictment, you will elect (choose) which court you want the matter heard in, and whether to have a preliminary hearing. If you choose the BC Supreme Court, you will elect whether to be heard by a Supreme Court Judge alone or by a Supreme Court Judge and Jury.

Preliminary Hearing

At a preliminary hearing, the Crown will present witnesses to testify about the events. You or your lawyer, if you have one, will have a chance to cross-examine (question) each witness and present defence evidence, if you wish, although it is rare for the defence to present witnesses at a preliminary hearing.

At the end of the hearing, the Judge will decide if there is enough evidence to commit you to trial in the BC Supreme Court.

If the Judge finds there is not enough evidence to proceed, you will be discharged and the matter concluded.

Provincial Court Trial

At a trial, the Crown will present witnesses to testify about the events. You or your lawyer, if you have one, will have a chance to cross-examine (question) each witness and present defence witnesses. You may testify but you are not required to do so. At the end of the trial both the Crown and the defence can make closing arguments explaining why the evidence does or does not prove guilt beyond a

reasonable doubt. The judge will decide whether to find you not guilty (acquittal) or guilty (conviction). If you are acquitted, that is the end of the matter.

Sentencing

If you are convicted, the judge will hear submissions, consider any evidence presented, and impose a sentence. The judge must follow the requirements of the Criminal Code and decisions of appeal courts when deciding on sentence.

Find more information in FAQs about [Criminal Practice and Procedure](#) and [Sentencing](#) and in [Resources for Criminal Cases](#).