



Definitions of Legal Terms for British Columbia

Criminal Law Matters

Reporting a crime to police can be a confusing process full of unfamiliar legal terms. Women who are victims of crimes and technology-facilitated crimes are encouraged to contact [anti-violence organizations](#), legal advocates and licensed lawyers in their community to access legal supports that are available to them and relevant to them being victims of crimes. This can help them prepare for and better understand the criminal justice system.

In the BC, when a crime is committed against a victim, it is also a crime against society as a whole. The Crown prosecutors do not represent individual victims; they perform their function on behalf of the community. The responsibilities of Crown Counsel are defined in the [Crown Counsel Act](#). Crown Counsel are prosecutors who work for the BC Prosecution Service under the Ministry of Attorney General. The BC Prosecution Service operates independently of government and within the justice system. They do not represent the government, the police or the victim of an offence.

This glossary sheet provides women and their support workers with definitions and general information regarding legal terms that are referenced frequently in criminal law matters in BC.

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DEFINITIONS OF LEGAL TERMS

Accused

The accused is the person who was charged with the crime. Also known as the [defendant](#).

Acquittal/Acquitted

If the accused is acquitted or receives an acquittal that means that they are not guilty of the crime and [Crown counsel](#) was not able to prove [beyond a reasonable doubt](#) that the accused committed the crime(s) they were charged with. The accused is free to go when they have been acquitted.

Actus Reus

When a person commits a crime, the Crown counsel must prove beyond a reasonable doubt that the person accused of the crime actually did it. The actus reus is the voluntary action (i.e., physically doing) or omission (i.e., not doing something) an accused must have done to commit the crime. For example, purposely hitting someone.

Adjourned

Adjourned means that the court is taking a break from the case, usually to re-schedule a court proceeding to a later date.

Adjournment

An adjournment is a break in time in court proceeding, either temporarily or permanently, usually to re-schedule the court proceeding to another time.

Admissibility

If evidence is admissible, that means that the court rules allow it to be shown to the court and have it counted as evidence. If it is inadmissible, it means that it is not allowed to be counted as evidence.

Affidavit

A written statement of facts and [evidence](#) by an individual that they swear to be true. As a victim in a criminal case, you may be asked to provide an affidavit about what happened to you and that will be submitted to the court by the Crown attorney. However, it is more common that you will be asked to [testify](#) at court and to tell your story to in person to the judge.



Affirm

When a witness promises to tell the truth. Witnesses are asked to affirm this before they give their testimony in court.

If the witness would like to make a promise related to their religion, they can [swear an oath](#) instead.

Aggravating Circumstances

Aggravating circumstances are aspects about the crime that make it particularly bad. If there are aggravating circumstances it can lead to a more serious [sentence](#). For example, if someone was in a position of trust, such as a parent, and they committed a crime that hurt the person they were supposed to be caring for, such as their child, this could be an aggravating circumstance.

Alleged

The accused is considered innocent until proven guilty. Until they are proven guilty the crimes against them are “alleged”, which means that someone has said they committed the crime, but it has not been proven if they did or not yet. The accusation that they committed a crime is only an allegation at this point.

Appearance

An appearance is a time where someone needs to be in court. For example, for a scheduled court appearance, the accused must be at court at that time.

Appearance Notice

An appearance notice is a notice that a person is given before they may be charged with committing a crime. It usually describes the crime the accused might be charged with and asks the accused to go to court at a particular time.

Appeal

An appeal is a request by one side of the case that a higher level of court reviews a [decision](#) made by a lower level of court. For example, if the accused was found guilty of the crime, they may try to appeal the decision so a court at a higher level can examine the case.

Courts will not always grant an appeal, there must be a good reason for an appeal to be allowed.



In British Columbia, cases from the BC Provincial Court are usually appealed to the BC Supreme Court. Cases from the BC Supreme Court are appealed to the BC Court of Appeal. Cases from the BC Court of Appeal are appealed to the Supreme Court of Canada.

The possibility of an appeal means that if the Crown were to lose in court, there is a chance that the decision could be reversed (i.e., the opposite decision is made) on an appeal. However, this also applies if the Crown wins in court. Additionally, just because a court decides to review a decision, does not guarantee that the decision will be reversed.

Arguments

An argument is what a lawyer tells the court about why they think their case is correct. The defence counsel and the Crown counsel will make arguments to the court to try to persuade the court their opinion of how the case should be decided is correct. They must use evidence, facts, and laws to support their arguments.

Arraignment

An arraignment is when the accused pleads guilty or not guilty. This might happen at an arraignment hearing in court or may be made in writing by filling out a [Consent Arraignment](#) form if the Crown counsel and defence counsel agree the matter is ready for trial (if the accused pleads not guilty) or sentencing (if the accused pleads guilty).

Arraignment Hearing

An arraignment hearing is the hearing where the accused pleads guilty or not guilty.

Arrested

Someone is arrested when a legal authority, usually the police, restrains them because they have been charged with a specific crime. The accused has several rights when they are being arrested. For example, they must be told why they are being arrested and that they have a right to speak with a lawyer. To learn more about those rights, click [here](#).

Bail

Bail is possible when a person has been accused of a crime but has not gone to trial yet and wishes to spend the time before the trial in the community.

The accused goes to a bail hearing and a judge decides whether to release them on bail or not. What this means is that the accused person does not have to stay in the [correctional centre](#) while they wait for their trial, but can live in the [community](#) under certain conditions.



Bail is also called [judicial interim release](#) or a [show cause hearing](#).

Bail Hearing

A bail hearing is a court hearing where a judge will decide whether the accused should be kept in jail or if they can be released from custody while they wait for their trial. If the accused is released on bail, the court will give them rules, called [conditions](#), they must follow when they are out of jail.

Beyond a Reasonable Doubt

In criminal law cases, the Crown counsel must show that the accused has committed the crime beyond a reasonable doubt. What this means is that the judge must have no reasonable doubt that the accused committed the crime. If the judge has some doubt, the judge must [acquit](#) the accused.

Burden of Proof

The obligation on someone to prove their case in court. If the “burden of proof” is almost always on the Crown counsel in criminal cases, this means that they must prove to the court that they are right. On rare occasions, the accused may have a reverse onus, where the accused must prove something in court.

The standard of proof (i.e., the amount of proof required) in criminal lawsuits is [beyond a reasonable doubt](#).

Case

A legal matter that is addressed in court. “Case” will sometimes be used interchangeably with “lawsuit”, “litigation”, and “proceeding”.

Case Law

Case law is all legal matters that have been previously decided in court. These previous decisions are also considered part of the “common law” and can be used to help your case in court.

Charge

The charge is the specific statement of what the accused has been charged of committing. It is written down in an [indictment](#). Once a person has been charged, the Crown counsel has officially accused them of committing a crime.



Charter of Rights and Freedoms

The [Charter of Rights and Freedoms](#) is part of the Canadian constitution. It defines the fundamental rights and freedoms people have in Canada. In some cases, the accused may argue that their “Charter rights” were violated. For example, if the police searched their home without a warrant or if a mandatory minimum sentence is an unfair sentence for the crime committed, the accused may make this type of argument.

Committed for Trial

If the accused has been committed for trial that means their case is ready to be heard in court.

Community

The community means the world outside of jail. For example, when a person is sentenced to a community sentence, it means that they will live in the community under strict conditions rather than in jail. They might live in their home or somewhere else during this time

Conditional Release

A conditional release is when the offender is released back into the community under the requirement that they follow certain rules, called [conditions](#), for a certain amount of time.

Conditions

Conditions are the rules that a judge puts on an offender when they are released back into the community, such as when they are on [bail](#) or when on [probation](#).

Depending on the offence, conditions may include things like reporting to their probation officer, not using the internet for anything but work, or being in their home except when going to medical appointments.

Consecutive Sentence

If the offender has been convicted of several crimes, they will get separate sentences for each crime. The judge may order that those sentences be served consecutively, which means they will be served one after another.

For example, if a person was charged with harassment and sentenced to one year in jail for that crime and they were also charged with luring a child and sentenced to one year in jail for that crime. The judge could order that the offender serve them consecutively so their total order would be to be in jail for two years overall.



Consent Arraignment

A consent arraignment is when the accused pleads guilty or not guilty in writing using a form called a Consent Arraignment form, instead of pleading guilty or not guilty in front of a judge.

Contempt of Court

When someone does not do something that the court orders them to do, they can be found in “contempt of court.” Additionally, doing things that interfere with the court’s ability to function properly can also be considered contempt of court. An example of this would be if a witness continuously lie to or mislead the court. The consequences of being found in contempt of court can include fines or arrest.

Continuation

A continuation is a postponement of a court proceeding.

Conviction

If the accused has been convicted of the crime, that means the Crown counsel has proved [beyond a reasonable doubt](#) that they committed the crime(s) they were accused of and they are guilty of that crime. They would then face a [sentencing hearing](#) and be sentenced for their crime(s).

Community

The community is the general world outside of jail. When a person is sentenced to serve their time in the community, it means that they will not be in jail but will be in the community with some restrictions.

Correctional Centre

A correction centre is a place where an offender who has been convicted of a crime spends their custodial sentence. It is what people normally call a jail or penitentiary. There are [provincial](#) and [federal](#) correction centres.

Correctional Service of Canada

The [Correctional Service of Canada](#) is responsible for supervising offenders who are released under conditions in the community.

Counsel

Counsel is the lawyer representing either the Crown (i.e., Crown counsel) or the accused (i.e., defence counsel).



Count

The count is each separate crime that a person has been charged with. For example, if the accused was charged with one incident of harassment and one of child luring, they would have two counts.

Court Clerk/Court Reporter

The court clerk is a person who helps the judge in the courtroom. This person will record the court proceedings, swear witnesses in, and record evidence.

Court Records

The court records are the records that the courts keep about court hearings. They are usually publicly available and provide information about charges, court appearances, and the outcome of the case.

Court Services Online

[Court Services Online](#) is British Columbia's electronic court registry.

Court Order/Order

A decision made by a court that requires someone to do something or refrain from doing something. When a court gives an order to a person, they must do what an order instructs them to do, or else there may be consequences.

Credibility

Credibility is how believable a person is. If someone has good credibility, they are believable. If someone has bad credibility, they tend not to be believable. This is important in criminal law cases, because depending on how honest or reliable a witness is, the court will be more or less likely to give their testimony weight when making the decision about the case.

Credit

Credit is the amount of time taken off an offender's sentence for the time they spent in jail before the decision of their criminal trial. This time is also called "credit for pre-trial custody."

Crime

A crime is some act (something someone does) or omission (something someone does not do) that breaks a law in the [Criminal Code](#). A crime is seen as a crime against society, rather than only a crime



against the person who was victimized by the crime. This is why the Crown counsel does not represent the victim but society.

Crime Against a Person

A crime against a person is a crime that was committed that involves hurting a person or threatening to hurt a person. This would include things like sexual assault or criminal harassment.

Crime Against Property

A crime against property is a crime that involves taking, attempting to take or purposely damaging another person's property. This would include things like stealing a car or breaking someone's window.

Criminal Case

A criminal case is a type of legal case that involves a crime. It is when [Crown counsel](#) brings a lawsuit against someone who is accused of committing a crime.

Criminal Code

The [Criminal Code](#) is the federal law that lists of all the criminal offences and sentences in Canada and the rules related to those crimes.

Criminal Courts List

The [criminal courts list](#) is a page that provides information about the court appearances happening in court that day, as well as the results from the court over the last several days. You can look up information about the case you were a victim in here.

Criminal Law

Criminal law is the area of law that covers crimes. It includes crimes listed in the [Criminal Code](#) and the case law related to those crimes.

Criminal Record

A criminal record is a list of someone's involvement with the criminal justice system. Anytime someone is charged with or convicted of a crime it is recorded on this record. It records all of these things from when the person was 12 years old. Sometimes the courts will look at a person's past criminal record when they are sentencing an offender who has been found guilty of a crime.



Criminal Record Check

A criminal record check is a request from the police or the offender to look at a person's criminal history.

Cross-Examination

See [examination](#).

Crown

Another word for the government.

Crown Counsel/Crown Prosecutor

The Crown counsel are the lawyers that argue on behalf of the public when a crime has been committed.

Custody

When a person is being held in a [correctional centre](#) (i.e., jail) or police station, they are in custody.

Dangerous Offender Designation

If an offender has been convicted of a violent and/or sexual offence and if they have a high-risk of committing more crimes in the future, the court can designate them as a dangerous offender. This is a fairly rare designation.

Decision

A decision is the conclusion a judge comes to at the end of a lawsuit, after both parties have had a chance to present their arguments and evidence. A decision can also be made concerning a specific proceeding within a lawsuit, instead of being a conclusion on the lawsuit as a whole. For example, a decision can be made about whether evidence is admissible or not.

Also called a [judgement](#)

Defence

The defence is the argument made by the defence counsel or the accused about the accused's position on their case. It is sometimes used to refer to the defence counsel.



Defence Counsel

The lawyer representing the accused.

Degree of responsibility

The degree of responsibility is how much the accused was morally responsible for the crime. The court will look to things like the nature of the crime, how it was committed, in what manner, and how deliberate or planned it was to determine the degree of responsibility of the offender. This will affect their sentence.

Defendant

The defendant is the person who has been formally accused of committing a crime by Crown counsel. Also known as the [accused](#).

Denounce

To denounce something is to say it is wrong in public. The courts may denounce the offender's actions.

Detained in Custody

Detained in custody means the accused is being held in jail.

Deter

To deter is to try to discourage something from happening.

Direct Examination/Examination in Chief

See [examination](#).

Discharge

The accused's case can be "discharged" if there is not enough evidence to prove the case at a trial. The accused can also receive an [absolute](#) or [conditional discharge](#) after being found guilty of a crime, which means the judge decided that a conviction or criminal record are not necessary for this case, so the accused will be released.

Disclosure

The Crown must disclose any information they have about the case against the accused so that the accused can properly defend themselves. This process is called disclosure.



Discretion

Discretion means that a person has a choice about how to make a decision. For example, a judge has discretion when deciding what type of a sentence the offender should face.

Dismiss

To dismiss something is to reject it in court. For example, a judge can dismiss a case.

Document

Usually very broadly defined. Includes any type of record whether on paper or any other device. Documents include USB drives, photos, videos, emails, etc. They are usually used as [evidence](#) in court proceedings.

Dual or Hybrid Offences

A dual or hybrid offence is an offence that can either be a [summary](#) or an [indictable](#) offence. The prosecutor can choose whether to proceed with the offences as either a summary (i.e., less serious) or indictable (i.e., more serious) offence.

Duty Counsel

Duty counsel is a lawyer who provides limited but free legal advice to the accused. This is usually limited to a bail hearing or the accused's first hearing. Duty counsel usually does not represent the accused at trial.

Elect

The term "elect" is used when there is an opportunity to make a choice. For example, the accused may elect whether to have a [jury trial](#) or [a judge alone trial](#). They may also be able to elect which court their case will be tried in.

Evidence

Evidence is information presented to the court by the parties of a lawsuit or legal proceeding. Evidence is used to help prove the facts of someone's case. A judge will consider all the relevant evidence that has been presented and decide which facts in a lawsuit are credible based on the evidence.

Affidavit Evidence

[Evidence](#) that is presented as a written statement in an [affidavit](#).



Character Evidence

Evidence that speaks to an individual's character. For example, information implying that an individual is dishonest would be character evidence. Character evidence is generally not allowed in court.

However, character evidence is allowed if an individual's character is an issue in the lawsuit, such as in a defamation lawsuit.

Circumstantial Evidence

[Evidence](#) that, if believed, would help the court infer that another fact is true. In other words, circumstantial evidence, unlike [direct evidence](#), is evidence that indirectly proves a fact.

Circumstantial evidence can be helpful when one party does not have direct proof that an event happened.

Take, for example, a situation where you are trying to prove that "X" stole your car. If you tell the court "X" recently lost his car and has asked me several times if he can have my car", this is circumstantial evidence. Even if a judge decides that you are telling the truth, your statement does not directly prove that "X" actually stole your car. Just because "X" lost his car and liked yours does not mean that he stole from you. However, a judge might infer from this information that "X" stole your car because his car was recently stolen, and he wanted your car.

Corroborating Evidence

Evidence that supports and strengthens the validity of other evidence. For example, if one witness says that they saw person "X" steal your car, another witness saying the same thing would be corroborating evidence.

Direct Evidence

[Evidence](#) that, if believed, would help prove a fact without the need for further inferences. Direct evidence, unlike [circumstantial evidence](#), is evidence that directly proves a fact.

Take, for example, a situation where you are trying to prove that "X" stole your car. If you tell the court "I saw X breaking into my car and driving off with it", this would be direct evidence.

This is because if a judge decides that you are telling the truth then your statement by itself is proof that X stole your car. The judge does not need to make any other assumptions or inferences to come to that conclusion.

Expert Evidence/ Expert Opinion



Expert evidence is evidence that an [expert witness](#) gives on issues that ordinary people do not have much knowledge of. Expert evidence is the opinion of an expert witness with expert knowledge related to relevant issues. Thus, expert evidence is an exception to the rule that prohibits [opinion evidence](#) from being used in court.

Expert evidence is useful in cases that deal with issues that an ordinary person would not know a lot about. Cases involving medical injuries or complicated technology are often hard for an ordinary person to understand and require an expert witness.

Forensic Evidence

Forensic evidence is evidence that is found at the crime scene. It sometimes requires some sort of science or technology to examine it. For example, blood tests or searching the content of a person's phone.

Hearsay Evidence

Hearsay evidence is second-hand information that is being used to prove a fact. Although there are exceptions, hearsay evidence is generally not allowed to be used in court as evidence.

For example, you are trying to prove in court that "X" stole from 7-11. You did not see "X" steal from 7-11, but your friend tells you that she saw "X" steal from 7-11. You then tell the court "my friend told me that 'X' stole from 7-11". Your statement to the court is second-hand information that you received from your friend. You have no firsthand knowledge of whether or not "X" stole from 7-11. If you try to use this second-hand information as evidence to prove the fact that "X" stole from 7-11, it will be considered hearsay.

It would not be hearsay if your friend tells the court herself that she saw "X" steal the money since she would be giving a firsthand account of what she saw.

This does not mean you are never allowed repeat someone else's statement in court. It is possible to use someone else's statement in way that does not involve using second-hand information.

For example, you want to prove in court that your friend is having trouble with her memory. Your friend tells you that they saw "X" steal from 7-11. However, "X" has been dead for over 10 years and could not have stolen from 7-11. You then tell the court "my friend told me that 'X' stole from 7-11". Although you are repeating what your friend said, this is not second-hand information. This is because what you are trying to prove is not that "X" stole from 7-11, but that your friend is having trouble with her memory. You have firsthand knowledge that your friend claimed to see a dead person, and thus



firsthand knowledge related to the issue of your friend's memory. Using your friend's statement in this way would not be hearsay.

Generally, if a witness has firsthand knowledge related to the fact that they are trying to prove then it will not be hearsay.

There are many exceptions that would allow hearsay to be used in court.

Opinion Evidence

Opinion evidence is the opinion of a [witness](#) who is giving evidence to the court. Opinion evidence is usually not allowed. A witness' role is not to tell the court about their opinion, but to tell the court about the facts that they know.

Take, for example, a situation where a witness is telling the court about a car accident involving driver "X". The witness would be allowed to tell the court that they saw "X" run a red light. This is a fact that the witness observed. However, the witness would not be allowed to say, "'X' was probably drunk because he was driving very fast". This is just the witness' opinion and not a fact.

The rule prohibiting opinion evidence does not mean that a witness is never allowed to speak about their opinions in court. This would be impractical because people regularly talk about their opinions without even noticing it. Thus, a witness is allowed to talk about their "lay opinion" when they are giving evidence. Lay opinion generally means an opinion that an ordinary person would naturally incorporate into their story.

For example, it would likely be acceptable for a witness to say, "'X' was slurring his words, stumbling a lot, and drinking from a large bottle of vodka, he seemed drunk".

The witness does not actually know for a fact that "X" was drunk, thus, it is still their opinion that "X" seemed drunk. However, an ordinary person observing "X" would likely come to the same conclusion and incorporate it into their story. This would be an example of "lay opinion" that is usually allowed in court.

Generally, when you are acting as a witness in court, you do not need to worry too much about accidentally giving opinion evidence. You should focus on speaking in a way that is clear and easy to understand. However, you should try to avoid voicing opinions that are merely speculations and not based on any facts.

Viva Voce Evidence/Oral Evidence/Testimony



[Evidence](#) that is given by a [witness](#) to the court orally instead of through a written statement. If a witness is giving evidence through oral testimony, it is usually done through [direct examination](#) and [cross-examination](#), a process where the witness will answer questions in court.

Usually, a person giving viva voce evidence must physically be present in court. However, a witness may ask permission to give their evidence by video if they have a good reason for why they are unable to make it to court (for example, if they are out of the country).

Examination

Examination is when the Crown counsel, defence counsel, or accused, if they are self-represented, ask witnesses questions in court.

Cross-examination

A witness is cross-examined when the lawyer on the other side of the case asks them questions in court. For example, if the Crown counsel asked the victim to come testify in court, the defence counsel or accused would cross-examine them. The Crown counsel would also ask the victim questions in what is called the [direct examination](#).

Cross-examination gives that side a chance to inquire as to the facts of the case and potentially cast doubt on the credibility of the witness and test the accuracy of their evidence.

Direct Examination/Examination-in-chief

The questioning of the witness by the person who asked them to come to court to testify. For example, as a victim the Crown counsel may have invited you, they will question you in a direct examination. The defence would then [cross-examine](#) you.

Re-examination

A re-examination is an opportunity to ask a witness questions after they have been [cross-examined](#) (i.e., questioned by the other party). Sometimes the cross-examination of a witness may result in issues or inconsistencies with their story. The purpose of re-examination is to give the other lawyer a chance to clear up those issues. When the lawyer is re-examining their witness, they can only ask them questions related to issues brought up during cross-examination. They are not allowed to ask them questions about things that were not mentioned during cross-examination.

Exhibits

Exhibits are documents or objects that are presented as evidence.



Expedited

Expedited means something is happening sooner or at a faster pace than normal. Some trials may be expedited.

Federal Custody

When the offender is sentenced to time in a federal correctional centre they will be in federal custody.

Federal Correctional Centre

A federal correctional centre is sometimes called a penitentiary. It is where offenders who have been sentenced to more than two years in custody will serve their sentence. This is usually for more serious crimes.

File/Submit

Giving the court your documents to keep on file. Documents can be filed in person at the courthouse of your choice, or you can file your documents online through [e-filing](#).

Final Submission/Closing Statement

The portion of a [trial](#) where you have the opportunity summarize your case. You can also restate the strengths of your case and point out the weaknesses of the other party's case. Final submissions are made after all the evidence has been presented.

Financial Statement

A document that describes your income, assets, and other financial information. Financial statements must be filed with the court in family law matters where child or spousal support is an issue. This [guide](#) takes you through the steps of filing out a financial statement for BC Provincial Court matters. There is also a [similar guide if you are using the BC Supreme Court](#).

First Appearance

First appearance is the first time that the accused must go to court.

Gladue Report

A Gladue Report is report that is written before a person is sentenced, and sometimes before a bail hearing that describes an Indigenous person's background. It will consider factors such as how racism, colonialism, residential schools and foster care systems affected this person's life. The report can



influence the judge's sentencing decision and may include options of restorative justice outside the traditional correctional system.

Gravity of the Offence

The gravity of the offence is the seriousness of the offence. It looks at the seriousness of the harms the crime inflicted on the victim and society.

Guilty

If the accused pleads guilty, they are admitting that they committed the crime.

If the accused is found guilty that means the Crown counsel proved [beyond a reasonable doubt](#) that they committed the crime they were accused of.

In either case, the accused would then face a [sentencing hearing](#) and be sentenced for the crime they committed.

Hearing

Any proceeding heard in court where a legal issue is determined.

Hung Jury

A hung jury happens when a jury cannot make a unanimous (i.e., all the jurors agree) decision about whether the accused is guilty or not guilty. In these cases, a mistrial will be declared, a new trial will be ordered and the case will be heard again.

Hybrid Offences

See [dual offences](#).

Imprisonment

Imprisonment means that the offender will be kept in custody for the duration of their sentence after they have been found guilty of a crime.

Indictment

An indictment is the document that lists all the crimes the accused has been charged with.

Indictable Offence

An indictable offence is a more serious criminal offence.



The Criminal Code defines which offences are [summary](#) and which are indictable (i.e., more serious). Sometimes the Crown has a choice in making the crime a summary or indictable offence; these are called dual procedure or [hybrid offences](#).

Information

Information is a document detailing the formal criminal charge the accused is charged with that is presented to the court.

Interim Hearing

A pre-trial appearance is a court appearance before the trial where the accused asks for an adjournment to find a lawyer or learn more about the charges they are accused of, makes a formal request for the [information](#), pleads guilty or not guilty, or tells the Crown they are ready to start the trial.

Initial Appearance

An initial appearance is the court appearance where the accused will be told the charged crimes. The [information](#) will be read to them that lists every alleged crime. The accused will be asked if they are ready to plead guilty or not guilty, to [elect](#) with court the case will be tried in if it is a more serious offence, and whether the accused needs to speak to a lawyer first.

Intermittent Sentence

An intermittent sentence is a sentence of 90 days or less where the judge allows the offender to serve their sentence not all at the same time. Often what this means is that the accused will serve their sentence in jail on the weekends over several months so a person can keep their job. The offender will have to follow rules in their probation order while in the community.

Joint Submission

A joint submission is an agreement between the Crown counsel and the accused to that recommends a particular sentence. The judge can either accept this submission or reject it and order a different sentence. The judge might reject the joint submission if the recommended sentence might make people question the functioning of the justice system, usually because the sentence is too light for the crime.

Judicial Interim Release

A judicial interim release is when a person has been accused of a crime but has not gone to trial yet and they are released from jail. The accused goes to a bail hearing and a judge can release them on judicial interim release. What this means is that the accused person does not have to stay in the [correctional](#)



[centre](#) while they wait for their trial, but can live in the [community](#) under certain conditions. Judicial interim release is also called [bail](#).

Judicial Stay of Proceedings

A judicial stay of proceedings happens when the judge stops the trial before it is complete. This is very rare.

Judge Alone Trial

A judge alone trial is when a criminal case is only decided by a judge but not a jury.

Judgement

The conclusion of a court proceeding where the judge makes their decision about whether the accused is guilty or not guilty. Often used interchangeably with [decision](#) or [verdict](#).

Juror

Someone who is a member of the jury.

Jury

Some criminal cases are heard before a jury rather than a [judge alone](#). The jury is a group of 12 citizens who listen to the arguments made by the Crown counsel and defence counsel or accused, listen to the evidence, follow the judge's instructions about how to interpret the law and make the final decision of whether the accused is guilty or not guilty.

Jury trial

A jury trial is one where a jury decides whether the accused is guilty or not.

Lawsuit

A legal dispute that is brought before a court for a decision.

The term "lawsuit" is sometimes used interchangeably with "case", "litigation", and "proceeding".

Lesser Offence

A lesser offence is a less serious offence. Sometimes the accused will agree to plead guilty to a lesser offence than what they were initially charged with in order to avoid trial and to try and get a lesser sentence.



Long Term Offender Designation

An offender who has received a long-term offender designation will have committed a serious personal injury offence and is likely to re-offend. This means that the offender will be supervised in the community for a longer period of time than a typical offender, up to 10 years after they have served their [custodial sentence](#). The offender will have to follow strict rules listed in their probation order.

Mens Rea

When a person commits a crime, the Crown counsel must prove that the person accused of the crime knew what they were doing. The mens rea is the “guilty mind” and the Crown counsel must prove the accused intentionally committed the crime, or was reckless or wilfully blind as to whether they were committing the crime.

In some cases, such as when a person is found not criminally responsible due to having a mental disorder at the time of the crime, the mens rea will not be proven and the accused will not be found guilty of the crime.

Mistrial

A mistrial is a trial that ends before the judge or jury makes its final decision because there has been some fundamental problem with how the trial was ran or because the jury cannot make a unanimous decision on whether the accused is guilty or not guilty.

Mitigating Circumstances

Mitigating circumstances are aspects about the crime that make it reasonable to give the accused a lesser sentence. It may include things like the offender being young and a first-time offender.

No Contact

No-contact is a [condition](#) where the accused or the offender is not allowed to contact a certain person, usually a victim or witness. This condition can include absolutely no contact or limited contact. For example, they may allow an accused to contact a witness about their children if it is his ex-partner and they share custody of their children.

No-Evidence Motion

A no-evidence motion is when the accused asks the judge to dismiss the case because the Crown counsel has no evidence to prove the crime.



Not-Criminally Responsible

When the accused is found not criminally responsible for a crime due to a mental disorder, it means that they had a mental condition serious enough that they could not have known what they were doing was wrong or they could not have controlled their actions.

In these cases, the accused will be clinically assessed and the judge will examine that information to determine if the accused was not criminal responsible due to mental disorder. If they are found to be not criminally responsible due to a mental disorder, the accused will then go to a provincial or territorial review board who will order an absolute discharge, a conditional discharge, or a custody order. If the accused receives a custody order they will be treated for their mental illness in a psychiatric hospital until they are safe enough to return to the community.

Not Guilty

The accused can plead not guilty at the beginning of a trial; if they plead not guilty then whether they are guilty or not guilty will be decided at the trial

If the accused is found not guilty, means that there was not enough evidence to convict them beyond a reasonable doubt of the crime. If the Crown does not prove its case beyond a reasonable doubt this is the end of the trial.

Notification

As a victim, you can register for notification from the court about the status of the accused or offender, such as whether they have been released on bail or released from jail. You must register for this service through the [Ministry of Public Safety and Solicitor General](#)'s victim notification service.

Oath

When a witness is sworn in or swears an oath in court, they are promising to tell the truth. They are swearing on their religious beliefs.

If someone does not swear to tell the truth on their religious beliefs, they instead [affirm](#) to tell the truth.

Objection

When someone raises an objection in court (i.e., says "[objection](#)"), it means that they are opposed to something the other party is doing.

An objection might be raised in two situations. First, when one other party believes that the other party have asked a witness an improper question. Second, when the one party believes that the other party is



presenting, to the court, evidence that they should not be allowed to present. After the other party raises an objection, they will have to explain to the judge why they are objecting. The other party may also explain to the judge why they think their question or evidence should be allowed. If the judge agrees with the one party's objection, other party's question or evidence will not be allowed. However, the judge may disagree with the objection, in which case the other party's question or evidence would be allowed.

Offence

A criminal offence is an act that breaks the law.

Offender

An offender is a person who has been found guilty of or pleaded guilty to a crime.

Omission

An omission is something that someone does not do. In some cases, not doing something can be a crime.

Opening Statement

Statements made at the beginning of a [trial](#) by both parties of a lawsuit. Opening statements are used to give an overview of the case, including the facts that you are going to prove.

Parole

After an offender has served their sentence, they are released back into the community. This is called being on parole. The offender has to follow certain rules, called [conditions](#), while they are on parole.

Parole Board of Canada

The [Parole Board of Canada](#) is a federal independent administrative tribunal that makes decisions about whether a person should be conditionally released from a [corrections centre](#) (i.e., released on parole). It also makes other decisions such as record suspensions and clemency recommendations.

Particulars

Particulars are written information about the case that the Crown counsel gives the accused during [disclosure](#).



Peace Bond

A peace bond is a court order under the Canadian Criminal Code made by a judge to keep the peace and protect one person from another person by placing certain conditions on the person/defendant that are detailed in the peace bond. If the terms of the peace bond are breached, there are criminal penalties.

Peace Officer

A peace officer is anyone who has law enforcement powers. It includes people like police officers and some members of Correctional Services Canada.

Penitentiary

A penitentiary is a [federal correctional centre](#). Offenders who are serving a sentence of two years or more are held here.

Perjury

Perjury is when someone lies in court after promising to tell the truth in court.

Plea

A plea is the statement the accused makes to the court about when they are asked if they are guilty or not. This happens before a trial, if the accused pleads guilty, then they will be sentenced. If they plead not guilty they will move to a trial so the court can decide if they are guilty or not.

Police Custody

When the police are holding the accused, they are in police custody.

Police Statement

A police statement is the statement a witness or victim gives to the police about what they know or saw about a crime.

Preliminary Hearing

A preliminary hearing is a hearing that happens before the actual trial to decide if there is enough evidence to have a trial. This only happens for serious offences. Pre-Sentence Report

A pre-sentence report is a report written by a probation officer about the offender that is used by the judge to help decide what kind of sentence they should get.



Pre-Trial Appearance

A pre-trial appearance is a court appearance before the trial where the accused asks for an adjournment to find a lawyer or learn more about the charges they are accused of, makes a formal request for the [information](#), pleads guilty or not guilty, or tells the Crown they are ready to start the trial.

Pre-Trial Custody

Pre-trial custody is when the accused is held in custody while awaiting trial. It is also called [remand](#).

Preliminary Hearing/Inquiry

If the accused elects to have their case heard in the BC Supreme Court, there will be a preliminary hearing where the Crown counsel will present witnesses to testify about what they know about the crime. The accused or their defence lawyer will have a chance to cross-examine those witnesses. The judge will then decide if there is enough evidence to proceed to a trial. If there is, the case will go to trial, if not, the offender will be released and the case will be dismissed.

Privilege

The right that a person has to keep certain communications secret. If someone claims that a piece of information is privileged, they are saying that they have a right not to tell the court about that information. Privilege generally only applies to communications (i.e., conversations, emails, and letters) and does not apply to facts.

To illustrate the difference between a communication and a fact, imagine a situation where you cannot remember whether you ran a red light on Friday night. Your lawyer then tells you that they found surveillance footage showing that you did run a red light. This conversation with your lawyer is a communication. However, from this conversation you now know that you ran a red light. It is a fact that you ran a red light. Depending on other factors, your communications (i.e., the conversation) with your lawyer could potentially be privileged. Let us assume for the example that the conversation is privileged. This means that you have a right to keep the conversation a secret. If you are asked in court to repeat what your lawyer said to you, you do not have to repeat the conversation for the court. However, if somebody asks you in court whether you ran a red light on Friday night, you would have to answer truthfully and say yes. You do not have a right to stay silent when someone asks you to tell them about a fact that you have knowledge of. Your conversation with your lawyer is privileged, but the fact that you ran a red light is not privileged. Again, certain communications can be privileged but facts are never privileged.



There are many rules that dictate when a communication is considered a privileged communication. You cannot claim that a conversation is privileged just because you think it was a private conversation. The most important privilege is the solicitor-client privilege which protects communications between you and your lawyer. However, this privilege only applies to communications related to seeking or giving legal advice. Solicitor-client privilege would not apply, for example, if you asked your lawyer what he thinks you should have for dinner.

It is important to note that communications to and from an anti-violence worker is not automatically privileged. Depending on the circumstances, privilege may or may not apply. This means that if you are an individual who requires the assistance of an anti-violence worker, do not assume that what you say will be kept private in court. Similarly, anti-violence workers should be aware that their communications with victims of violence may be raised in court.

This [guide to privilege](#) is intended for lawyers; however, it still gives a good overview of the topic. If you do take a look at the guide, you can likely disregard anything that talks about “in-house counsel” or “in-house lawyers” as this information is only relevant for businesses and corporations.

Probation

Probation is a part of the convicted offender’s [sentence](#) that they serve in the [community](#). The court will add specific rules in a court order, such as not drinking alcohol or not being in contact with the victim while they are on probation, that the offender must follow while on probation.

While on probation, the offender will have to report to a probation officer who will ensure the accused follows the rules of their probation that are called the [conditions](#) of a [court order](#).

In some cases, the court will only order a person to be on probation. In other cases, they will order the offender to time in jail and then to serve probation after they are released.

Probation Officer

A probation officer is the person the offender would report to while on probation. A probation officer will do things like check up on the offender, see how well the offender has responded to programs, assess their risk of re-offending, create a case management plan, provide information to the victim and provide sentencing options to the courts, among other things.

Proceeding/Legal Proceeding

A proceeding can refer to either:

1. The entire process that you go through when a lawsuit is heard before a court; or



2. A specific process that is within a larger court process.

The term “proceeding” is sometimes used interchangeably with “case”, “lawsuit”, and “litigation”.

Promise to Appear

A promise to appear is a document that the accused signs when they are released from police custody before their trial. By signing the document, they are promising to come to court at a specific date and time.

Proportionate

Proportionate is a term used in law to mean that the response, such as the sentence, to the crime fairly reflects the seriousness of the crime.

Prosecutor

The prosecutor is the lawyer, known as the Crown counsel, who represents society in court.

Provincial Correctional Centre

A provincial correctional centre is what is known as a jail. If an offender has been sentenced to a custodial sentence that is less than two years, they will serve it in a provincial correctional center.

It also holds offenders who are waiting to be moved to a [federal corrections centre](#), accused people who are waiting for their trial, and people who have been detained for immigrations purposes.

Prosecution

To prosecute someone means the commencement of legal proceedings against an accused who has been charged with a crime.

Protection Order

A protection order is a court order that requires an offender stay away from a victim.

Publication Ban

A publication ban is a court order that says that information that could identify the victim or a witness cannot be published or broadcast. This often happens in cases involving sexual offences. The victim or witness will be identified by their initials or will otherwise be anonymized in the court documents and it is illegal for people to publish their name in relation to the case.



Recognizance

A recognizance is a promise made to the court. The person making the promise, promises to do something or follow some condition, such as paying a debt or keeping the peace.

Record Suspension

A record suspension is a decision to keep an accused's criminal record separate from their other criminal records.

Reform

To reform something is to change it to make it better.

Regina

Criminal court cases have a style of cause (i.e., title of the case) that is R v Accused's Name. The "R" stands for Regina which symbolized the Queen or the government or society.

Rehabilitate

To rehabilitate someone is to improve someone's behaviour after they committed a crime. The purpose of rehabilitating someone is ensuring that they are going to return to the community as a law-abiding person.

Reintegrate

Reintegrate means to join something again. For example, when an offender leaves custody and joins the community again, they are reintegrating into the community.

Release

The accused or offender is released when they are let out of custody.

Release date

The release date is the date the accused or offender is scheduled to be released from custody.

Release on Appearance Notice

A release on appearance notice is when the police release an accused after arrest with notice that they have to appear in court.



Release Order

A release order is an order by the court with rules the accused must follow once they are released on [bail](#).

Re-Offend

If the offender is likely to re-offend, that means they are likely to commit a crime again.

Remand

Remand is when the accused is held in custody until their next court date.

Repeat Offenders

Repeat offenders are offenders who have committed the same crime before.

Reverse Onus

A reverse onus is a special rule in the [Criminal Code](#) where the [burden of proof](#) shifts from Crown counsel the accused to disprove something.

Restitution

Restitution is the money a court orders the offender to pay a victim to compensate them for the loss from the crime committed against them.

Restorative Justice

Restorative justice is a way that the community might work with the offender and the victim to repair the harm done from the crime.

Restraining Order

A restraining order is an order made by a judge in civil court to protect one person from another person. Similar to a criminal law [peace bond](#).

Re-trial

A re-trial is when there is a second trial for the same offence, usually after a mistrial.



Rules of Court

Guidelines on the procedures that a court, as well as the parties involved, must follow when dealing with legal matters. Each court has its own rules of court that must be followed.

Sanctions

Sanctions are punishments against offenders who break the law.

Sentence

A sentence is the court order a judge makes when an offender has been convicted of committing a crime. It is the offender's punishment. A sentence may include time served in a correctional centre, a probation order or other relevant orders.

Absolute Discharge

If the accused has been found guilty of the crime(s) they were charged with, the judge may still decide not to sentence them. This usually only happens in the case where it is in the community's best interest and the person has committed a less serious crime. In these cases the accused does not receive a sentence, does not get a criminal record, and does not have [conditions](#) on their release.

Community Sentence

A community sentence is one where the offender is not in jail but lives in the community under strict [conditions](#) and must report to their [probation officer](#) during the [sentence](#).

Concurrent Sentence

If the offender has been convicted of several crimes, they will get separate sentences for each crime. The judge may order that those sentences are served concurrently, which means they will be served at the same time. For example, if a person was charged with harassment and sentenced to one year in jail for that crime and they were also charged with luring a child and sentenced to one year in jail for that crime. The judge could order that the offender serve both at the same time so their total order would be to be in jail for one year overall.

Conditional Discharge

If the accused has been found guilty of committing a crime, they will be sentenced. If they receive a conditional discharge, it means that they will not go to jail if they follow some rules, called conditions.



Instead, the court will require them to follow some [conditions](#) for a certain amount of time. If they follow the rules for that time period then the [conviction](#) will be removed from their [criminal record](#).

Conditional Sentence

If the offender has been given a conditional sentence, that means they are released from jail, but that they must follow certain rules, called [conditions](#) while they serve their sentence in the [community](#).

Custodial Sentence

A custodial sentence means that the offender will serve part or all of their sentence in jail, either in a [provincial correctional centre](#) or a [federal corrections center](#).

Indefinite or Indeterminate Sentence

An indefinite or indeterminate sentence is a rare type of sentence where there is no end date for when the person would be released from jail. The Crown counsel has to make a special application for an offender to get this kind of sentence. The offender has to be declared a [dangerous offender](#) to get this type of sentence.

Life Sentence

An adult offender who has committed first or second-degree murder can be given a life sentence by a judge. This means they are not eligible for parole until they have served 25 years in jail, for first-degree murder, and between 10 and 25 years for second-degree murder.

Maximum Sentence

Each offence in the Criminal Code has a maximum sentence that the offender can be charged with.

Minimum Sentence

For certain crimes, there is a minimum sentence the offender must be sentenced to. The judge does not have a say in ordering a lesser sentence.

Sometimes the defence lawyer will make an argument that the minimum sentence is unfair and it can get struck down, but that only happens if the minimum sentence violates the offenders Charter rights.

Non-Custodial Sentence

A non-custodial sentence is a sentence where the offender is serving their sentence in the [community](#).



Suspended Sentence

A suspended sentence is one where the judge will release the offender on probation for a certain period of time. As long as the offender follows certain conditions, the judge will put off sentencing them. However, if they breach the conditions, then the judge can impose a sentence.

Sentencing

Sentencing is the punishment the judge orders on the accused after they are convicted of a crime. A sentence may include time served in a correctional centre, a probation order or other relevant orders. Judges must follow the rules of sentencing and make a fair sentence with good reasons. The principles a judge must follow are found in [Part XXIII](#) in the criminal code.

Sentencing Hearing

A sentencing hearing is a court proceeding where the Crown counsel and defence counsel make submissions to the judge about what type of sentence the offender should get. The judge reviews these submissions and then sentences the offender and makes a court order that describes the sentence.

Sentencing Circles

Sentencing circles are traditional Indigenous practices where many people involved in the crime, such as the offender, the victim, the families, elders and other relevant people, get together to try and find a way to address the harms caused by the crime.

They are sometimes used within the formal criminal justice system to help make a recommendation about the offender's sentence.

Sentencing Position

A sentencing position is a position either the Crown counsel or the accused or their defence counsel take on what the accused's sentence should be.

Serious Offence

A serious offence is an offence where an adult offender could receive up to five years in jail.

Show Cause Hearing

A show cause hearing is when a person has been accused of a crime but has not gone to trial yet. The accused goes to a show cause hearing and a judge can release them on bail. What this means is that the accused person does not have to stay in the [correctional centre](#) while they wait for their trial, but can



live in the [community](#) under certain conditions. A show cause hearing is also called [judicial interim release](#) or [bail hearing](#).

Statement

A statement is a document where the police have written down information the witness or victim has told them about the crime.

Statutes

Statutes are laws.

Statutory Release

A statutory release is when the offender is released into the community after service two-thirds of their federal sentence. They have to follow certain rules, called conditions while out on statutory release.

Stay of Proceedings

A stay of proceedings means that the Crown counsel dropped the charges against the accused. This ends the [prosecution](#). The Crown counsel might start the prosecution again within a certain time period. One year for serious offences and six months for less serious charges. Once those timelines have run out the prosecution cannot be restarted.

Style of Proceeding/Style of Cause

The information at the top of every court document identifying the lawsuit or legal proceeding that the document belongs to. All the court documents of a lawsuit will have the same style of proceeding.

Submissions

Submissions are the documents that the Crown counsel and the accused or their defence lawyer submit to the court to explain why they think their side of the case is correct. It contains their legal argument with relevant evidence attached.

Subpoena

A subpoena is a document that tells someone they must attend court and act as a [witness](#).

If you receive a subpoena, you must go to court at the date and time set out in the subpoena. If you do not show up to court, there may be legal consequences such as a warrant for your arrest.

The Crown counsel or defence counsel will subpoena witnesses in a criminal case.



Summary Offence

Less serious crimes are known as “summary offences” and follow a summary conviction process that is simpler and the accused will receive a less serious sentence. The maximum penalty for this type of offence is usually six months in jail or a \$5,000 fine.

The Criminal Code defines which offences are summary and which are [indictable](#) (i.e., more serious). Sometimes the Crown has a choice in making the crime a summary or indictable offence; these are called dual procedure or [hybrid offences](#).

Summons

A summons is a document that tells the accused what they have been charged with and tells them to come to court at a specific time and place. When the accused receives a summons it means they have official been charged with committing a crime and they are being told to come to court.

Surety

A surety is someone who promised to pay the court money if the accused does not follow their bail conditions or does not come to court.

Suspect

A suspect is the person believed to have committed a crime.

Swear an Oath/Sworn in

When a witness is sworn in or swears an oath in court, they are promising to tell the truth. They are swearing on their religious beliefs.

Testify

A witness is testifying when they are providing the court with information about the crime after they have promised to tell the truth by [affirmation](#) or being [sworn in](#).

Time Served

Sometimes a sentence will be for time served. What this means is that the amount of time the accused spent in jail before trial counts as their sentence. This means the accused will be released after trial.



Totality

The judge will discuss the totality of the sentence and whether it is fair. Sometimes when someone has been convicted of many crimes, the sentence for all of those crimes add up to an unfairly long sentence. The judge will look at the totality of the sentence and if it is unfair, they will reduce it.

Trial

The [hearing](#) of a lawsuit before a judge in court. Parties will have an opportunity to present evidence and submit arguments. Since a final decision on the lawsuit will usually be made, a trial is the last step of a lawsuit. At the end of the trial the judge or jury will decide if the accused is guilty or not guilty of the crime.

Unanimous

Unanimous means everyone agrees. A [jury](#) must be unanimous in their decision about whether the accused is guilty or not guilty. Otherwise, it will be a [hung jury](#) and a [mistrial](#) will be declared.

Undertaking

An undertaking is a promise to do something.

Verdict

The verdict is the decision a judge or jury makes about whether the accused committed a crime and is guilty or not guilty.

Victim

A victim is a person who has been directly or indirectly negatively impacted by a crime.

Victim Bill of Rights

The [Victim Bill of Rights](#) defines what rights you have as a victim of crime.

Victim Impact Statement

A victim impact statement is a statement written by the victim about how the crime impacted their life. They might describe being physically or psychologically harmed or how it has changed their life. The judge and parole board must consider it when sentencing the offender or deciding whether they will be released on parole.



Victim Services

Victim services are services that are provided by the police or community organizations that can help you understand the criminal courts system and what your rights are. You can also call VictimLinkBC to find out about victim services available in your community.

For more information click [here](#).

Victims of Crime Act

The [Victim of Crime Act](#) outlines many of the rights you have as a victim. To find out more about your rights, click [here](#).

Warrant

A warrant is a court order that gives the police the right to do something. For example, they may ask the court for a warrant to arrest someone or search their home for evidence.

Witness

An individual who gives [evidence](#) relating to the criminal proceeding. Witnesses are usually people who saw something or know something about a crime. This includes victims of crimes.

Witnesses will give evidence to the court either through oral testimony or an [affidavit](#). If a witness is giving evidence through oral testimony, it will usually be done through [direct examination](#) and [cross-examination](#), a process where the witness will answer questions in court.

During a trial, there are rules that dictate what a witness is allowed to say. Generally, witnesses are only allowed to tell the court things that they have first-hand knowledge of and cannot talk about their opinions. However, there are many exceptions.

Expert Witness

A [witness](#) who gives [expert evidence](#) relating to a lawsuit or legal proceeding. Expert witnesses only give evidence regarding issues that require special skill or knowledge to understand.

Witness Notifier

You and other witnesses to the criminal case may receive a phone call or subpoena telling you to come to court to [testify](#) by the witness notifier. You will then need to contact the witness notifier to say you will attend court. This information will be listed on the subpoena or should be provided by the Crown counsel or defence counsel who contacted you.



Work Release

A work release is when an offender is temporarily released from jail so they can go to work during the day, but they have to return to jail at night.

Youth Offender

A youth offender is someone between the ages of 12 and 17. If they are charged with a crime, they will be dealt with in Youth Court rather than the regular court. The [Youth Criminal Justice Act](#) sets out the rules for how to treat these offenders.

Youth Court

Youth Court is where people who are under 18 and have been charged with committing a crime go to court.

Youth Records

If a youth is accused or convicted of a crime, their record is kept confidential. If a youth receives an adult sentence, the court will look at their youth record.

Technology Safety Project

This document is a part of a series that details how to preserve evidence related to the misuse of technology in experiences of domestic violence, sexual assault, and stalking. The series is part of the [Preserving Digital Evidence of Technology-Facilitated Violence Toolkit](#). This document, or any portion thereof, may be reproduced or used in any manner whatsoever as long as acknowledgment to the BC Society of Transition Houses is included in the product.

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