



## Don't plead guilty without getting legal advice first.

Call Legal Aid BC immediately to find out if you qualify for a free lawyer.  
**604-408-2172** (Greater Vancouver)  
**1-866-577-2525** (elsewhere in BC)

## Are You Aboriginal?

If you're Aboriginal, you have rights under the Criminal Code of Canada, often called **Gladue rights**. A judge considers your Gladue rights at sentencing and bail hearings. This includes considering all options other than jail. For more information, see [aboriginal.legalaid.bc.ca](http://aboriginal.legalaid.bc.ca). Click Your rights. Then click Bail and sentencing.

Legal Aid BC has the following free publications about Gladue rights. See the end of this brochure for how to get copies.



*Your Gladue Rights*. Explains that Gladue rights apply to all Aboriginal peoples, whether you live on reserve or off reserve, and you can give the court your story in a Gladue submission or a Gladue report. Legal Aid BC may provide a trained writer to prepare your Gladue report for free.



*Gladue Submission Guide*. Explains how to tell the judge about yourself, your family, and your community when you're before the court. Includes worksheets.



*What's First Nations Court?* Explains if you plead guilty to a crime, you may be able to go to a First Nations Court for sentencing. For more information, see [aboriginal.legalaid.bc.ca](http://aboriginal.legalaid.bc.ca). Click Your rights. Then click First Nations Court. Or call **604-601-6074** (Greater Vancouver) or **1-877-601-6066** (elsewhere in BC).

If you can't get a legal aid lawyer, most courthouses have lawyers called **duty counsel**. They give free legal advice to people who have a case in that courthouse. Duty counsel might be able to help you. Call your local courthouse for more information.



## What You Need to Do First

### 1. Learn your court date

If you're arrested, the police or the court gives you a document. It may be an **appearance notice**, **promise to appear**, **undertaking to appear**, or **recognizance**. If you weren't arrested but are charged with a crime, you get a **summons**.

- o The document says what you're charged with and the type of offence. It also has the *date*, *time*, and *place* of your **first appearance**. You *must* go to court at that time and date.
- o If you don't go to court when the document says, or you don't obey the **conditions** (rules) set out in it, the police can arrest you and bring you to court. The **Crown** (government lawyer) can charge you with **failure to appear** or a **breach** (disobeying conditions).

### 2. Get details of the charges

The Crown is also called Crown counsel.

- o Ask Crown counsel for a copy of the **disclosure**, which includes the charge and the Crown's evidence against you.
- o Make sure the disclosure has a copy of the **Information**. It's the official court form with the date, place, and type of your offence.
- o Read the documents. See if you think they're correct. For example, you may not agree with what the police say happened. Later on, you can point out what you don't agree with.

- o Also ask for a copy of the **initial sentencing position**. This is the sentence the Crown asks the judge to give you if you plead guilty. The judge decides your sentence. It might be different from the sentence the Crown asks for.

### 3. Talk to a lawyer



Talk to a lawyer as soon as you know you're charged with an offence.

A lawyer can tell you:

- o about your legal rights,
- o how strong the Crown's case is against you,
- o if the Crown might ask for a lesser charge,
- o what kind of sentence you might get if the judge **convicts** you (finds you guilty),
- o what your defence might be, and
- o if you can avoid a criminal record.

A lawyer can also **negotiate** (work out a plan for you) with Crown counsel and defend you in court.

See the back of this brochure for where to get legal help.

### 4. Decide how to plead

After you talk to a lawyer, you decide how to **plead** (respond to the charge against you).

- o If you decide to plead **not guilty**, your case goes to trial.
- o If you decide to plead **guilty**, you may have to pay a fine, be put on probation, or go to jail. You could get a criminal record. This may limit the kinds of jobs you can get and where you can travel. You may lose your fishing, hunting, or driver's licence for months, years, or the rest of your life. Having a criminal record could also affect your child custody rights in a family dispute.



## What Happens at Court



See over for free Legal Aid BC publications about what happens at court.

### Your first appearance

Your first appearance (initial appearance) in court isn't a trial. It's the first step to find out more about the charge against you.

Usually, your first appearance is in front of a **judicial case manager** in an initial appearance room. The judicial case manager is like a judge. Crown counsel is also there.

The judicial case manager asks if you have a lawyer or talked to Legal Aid BC, and if you're ready to plead. At this stage, you have three choices.

### You can plead not guilty

If you decide to plead not guilty, Crown counsel, you, and your lawyer (if you have one) usually have an **arraignment hearing** right away in front of the judicial case manager. You and your lawyer tell the judicial case manager how many witnesses you plan to call and how long you think the trial might take. Crown counsel does the same. The judicial case manager then sets the date and time for your trial.

### You can plead guilty

If you decide to plead guilty, your case transfers to a courtroom that day if a judge is available. You have to plead guilty in front of a judge for sentencing. If a judge isn't available that day, or you want more time to get ready for sentencing, the judicial case manager sets another date for you to plead guilty in front of a judge.

## You can ask for more time

If you don't have a lawyer yet, or you don't have all your documents from the Crown, you can ask for more time to decide how to plead. The judicial case manager can give you an **adjournment** (more time). Crown counsel can also ask for an adjournment. The judicial case manager says when you and Crown counsel have to return to court. At your next court appearance, you have to decide if you want to plead not guilty or guilty.

### Your trial

At your trial in front of a judge, Crown counsel and you (or your lawyer) call witnesses and present evidence. You can choose to testify or not testify. Get advice from a lawyer about whether you should testify or not. The judge decides if you're not guilty or guilty.

### Sentencing

If you decide to plead guilty, or you're found guilty after your trial, a judge sentences you. Crown counsel first tells the judge about the charge and facts of your case. The judge then asks if you have anything to say. Now you can give the judge information that may help you get a lighter sentence.



Always talk to a lawyer before you admit to anything or plead guilty. Call Legal Aid BC immediately to find out if you qualify for a free lawyer.  
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**1-866-577-2525** (elsewhere in BC)



## Can You Avoid a Criminal Record?

### Alternative measures

The court may deal with your case through **alternative measures** (also called **diversion**) if:

- o the charge against you is minor and your first offence,
- o you're willing to tell a probation officer you committed the offence, and
- o you feel sorry about what you've done.

The court won't convict or sentence you. Instead, you report to a probation office and follow a program set out for you. The program may include community service or counselling.

The Crown has to agree to the program, and the probation office has to accept you. If you're accepted into the program and complete it:

- o your charge is **stayed** (the Crown won't go ahead with the charge against you),
- o you won't get a criminal record, and
- o you must continue to appear on your court dates until the court says you no longer have to.

### Absolute or conditional discharge

The court may give you an **absolute discharge** or **conditional discharge** if:

- o the charge against you is minor and your first offence,
- o you plead guilty,
- o you feel sorry about what you've done, and
- o it's in your interest and **not contrary to public interest** (not a problem for the public).

You won't have a criminal record in Canada.



A diversion or absolute or conditional discharge may limit your travel outside of Canada. Always talk to a lawyer before you admit to anything or plead guilty.

### Remember: You have legal rights. If you're arrested, the police must:

- o tell you the charge against you,
- o tell you that you have the right to talk to a lawyer as soon as possible, and
- o let you talk to a lawyer on the phone. A free lawyer is available 24 hours a day to talk to.

### You also have the right to:

- o remain silent,
- o have an interpreter if necessary,
- o be thought of as innocent until proven guilty in court, and
- o have a fair trial.

### Talk to a lawyer if you think any of your rights are ignored.



## To Find a Lawyer

### Lawyer Referral Service

**604-687-3221** (Greater Vancouver)  
**1-800-663-1919** (elsewhere in BC)  
[cbabc.org/for-the-public/lawyer-referral-service](http://cbabc.org/for-the-public/lawyer-referral-service)

Call the Lawyer Referral Service to get the name of a lawyer. For \$25 plus taxes, you can speak to the lawyer for 30 minutes to see if you want to hire them and how much it would cost. Or ask your friends or family for the name of a good lawyer.



## Legal Aid and Other Free Help

### Legal Aid BC

**604-408-2172** (Greater Vancouver)  
**1-866-577-2525** (elsewhere in BC)  
[legalaid.bc.ca](http://legalaid.bc.ca) (for Legal Aid BC locations)

If you might go to jail, and your income is low, you may get a free lawyer from Legal Aid BC. Only certain offences can get legal aid. Call or go to the Legal Aid BC location near you.

### Free Legal Aid BC publications

Ask at your Legal Aid BC location for copies. See the end of this brochure for how to order copies.



*Defending Yourself* (series). Explains what to say in court to defend yourself from the charge against you if you don't have a lawyer.



*Representing Yourself in a Criminal Trial*. Helps you get ready for trial if you don't have a lawyer or don't qualify for legal aid.



*Speaking to the Judge Before You're Sentenced*. Describes what to say in court before the judge decides your sentence. Explains possible sentences.

### Duty counsel

[provincialcourt.bc.ca/locations-contacts](http://provincialcourt.bc.ca/locations-contacts)

You can talk to duty counsel at the courthouse where your case is if they're available on your court day. They can give you brief advice and speak for you the first time you appear in court. But they can't be your permanent lawyer. Call Legal Aid BC or your local courthouse to ask when duty counsel are available.

### The Law Centre, Victoria

**250-385-1221**

Gives free legal help if you live in Victoria.

### Native Courtworker and Counselling Association of BC

**604-985-5355** (Greater Vancouver)  
**1-877-811-1190** (elsewhere in BC)

Gives culturally appropriate services to Aboriginal people involved in the criminal justice system.

### UBC Indigenous Community Legal Clinic

**604-684-7334** (Greater Vancouver)  
**1-888-684-7874** (elsewhere in BC)

Gives free legal help to Aboriginal people in Vancouver's Downtown Eastside.

### UBC Law Students' Legal Advice Program

**604-822-5791**

Gives free legal help if you live in Greater Vancouver. They can help if you're charged with a **summary offence** (a less serious crime) and likely won't get a jail sentence if you're convicted.



### How to Get Free Legal Aid BC Publications

Read: [legalaid.bc.ca/read](http://legalaid.bc.ca/read)

Order: [crownpub.bc.ca](http://crownpub.bc.ca)  
(under Quick Links, click BC Public Legal Education & Information)

### Questions about ordering?

**604-601-6000**  
[distribution@lss.bc.ca](mailto:distribution@lss.bc.ca)

### Feedback on this publication?

[publications@lss.bc.ca](mailto:publications@lss.bc.ca)

@legalaidbc

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# If You're Charged with a Crime

This brochure gives basic information on what to do if you're charged with an offence.

**Remember:** Anything you say can be used as evidence against you. Don't talk to anyone about the charge against you until you talk to a lawyer.



Legal Services Society  
British Columbia  
[www.legalaid.bc.ca](http://www.legalaid.bc.ca)