Defending Yourself
in Provincial Court

Public Legal Education
and Information Service
of New Brunswick

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This fact sheet may be useful if …	This fact sheet explains …
• You have been charged with a less serious • criminal offence or a provincial offence • You do not qualify for a Legal Aid lawyer • You cannot afford a private lawyer	• When you have to be in court • What to consider before your first appearance • Whether you can represent yourself • How to organize for a trial • What to expect in the courtroom • How to prepare for a sentence hearing

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Please Note: This fact sheet is NOT for Youth in Conflict with the Law. *It does not deal with the special rules under the* ***Youth Criminal Justice Act*** *for youth aged 12 to 17 years*

Part 1: So You've Been Charged with an Offence

Do I need a lawyer?

It is wise to be represented by a lawyer. Defending yourself in court is not easy. You may be at a disadvantage by not knowing the law and how the courts operate. However, you do have a right to defend yourself in court. If you do represent yourself, you should still try to get legal advice. Being charged with an offence is a serious matter. Remember, this fact sheet is not a substitute for legal advice.

Note: People charged with the most serious criminal offences, called **indictable offences***, are usually eligible for legal aid if they cannot afford a lawyer.*

How do I know when to appear in court?

You will receive a piece of paper. It may be a **summons**, an **appearance notice**, a **promise to appear** or another document. Keep this paper somewhere safe. It tells you when and where you have to go to court. Check the time and date carefully.

What if I do not turn up at court?

If you miss your court appearance

- the judge may go ahead with your trial without you there
- you could be charged with an offence called **failing to appear**
- the judge can order the police to find, arrest and bring you to court
- you may be released with new conditions or kept in jail until your court date
- you may lose any money you posted as a guarantee.

What should I consider before my first appearance in court?

At your first appearance, the judge will ask whether you want to plead guilty or not guilty. Think carefully about this ahead of time. Your plea is a serious decision. Consider the following.

- Even if you believe you are guilty, you do not have to plead guilty. The **Crown prosecutor** must prove the case against you.
- If you plead guilty to a criminal offence, you will have a criminal record. Although you will not have a criminal record if you plead guilty to a provincial offence, it can result in severe penalties such as license suspensions or large fines.

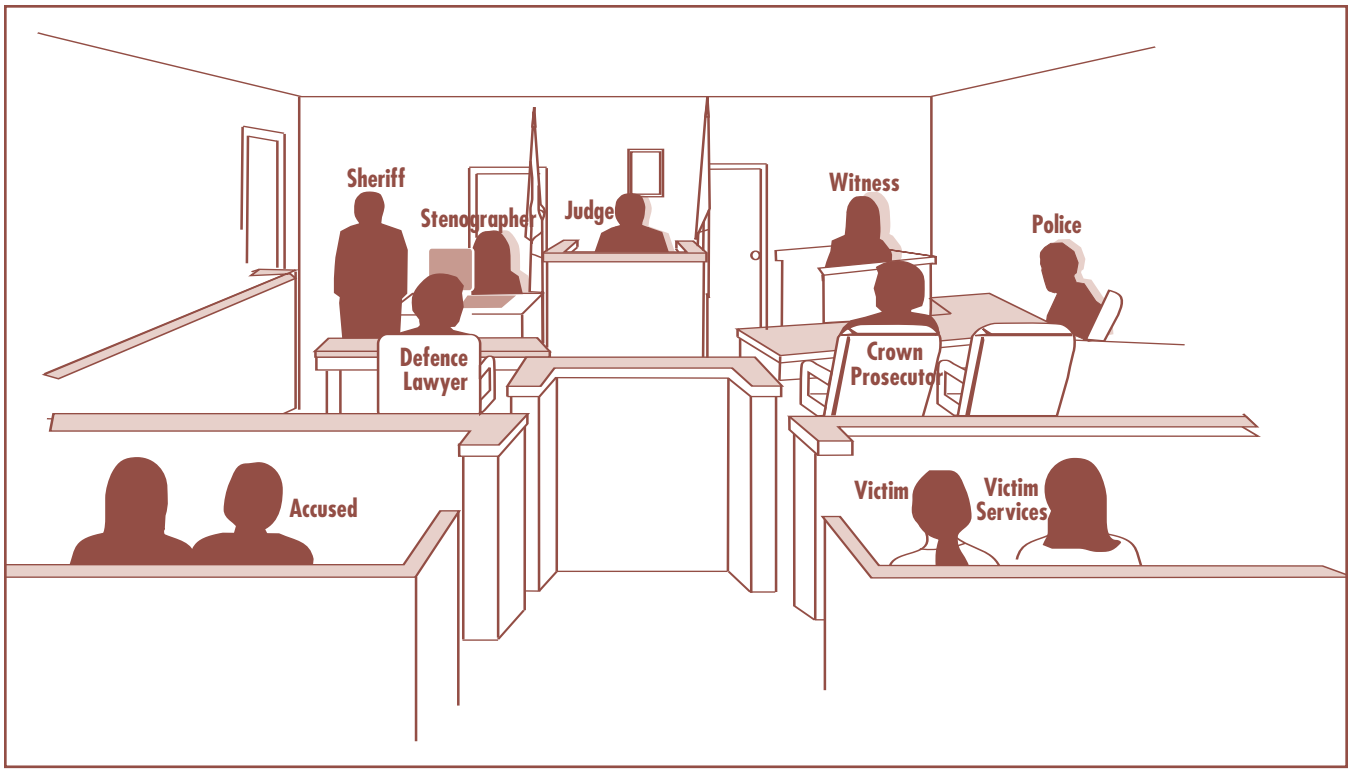
The **Crown prosecutor** *is the lawyer who presents the evidence against you. The word "Crown" refers to the fact that the prosecutor represents the public.*

- If you find yourself saying, "I did it ... but," then you may not want to plead guilty. You may have a good excuse for why the offence happened.
- Do the charges match what happened?

Can I find out the prosecutor's case against me?

The prosecutor puts together the information he or she will use to prove each case at trial. This includes all **evidence** gathered in the police investigation. For example, the prosecutor has a copy of any **statements** - written or spoken descriptions of events that people give to the police. This information makes up the **Crown file** on your case. The prosecutor also may have a summary of the case against you. Before a criminal trial, the accused has the right to look at the entire Crown file (with some exceptions) before deciding what plea to enter. You will be given a copy on the day of the first appearance. If you need more time to review your disclosure before you enter a plea, you may ask the judge for an **adjournment**. You may be able to get a copy of the Crown file earlier by contacting the Crown Prosecutor's office.

Diagram of Court



Part 2: The Day of Your First Appearance

What happens at my first appearance?

Your first appearance in court is not your trial. This appearance is to read the **charge** and ask how you **plead**. The charge is the specific offence or crime you are accused of committing. Note: If you need to know which courtroom to go to or when to be there, phone the provincial court office ahead of time to find out.

English or French?

As the defendant, you have the right to have the court proceedings in either English or French. If you want the proceedings in the other language, tell the judge at your first appearance. The court must use, in its oral or written pleadings or any process, the official language(s) selected by the parties. If necessary, the court will use translators or move to a court where French or English proceedings are available.

If I don't have a lawyer, can I still get some legal advice?

Yes. On the day of your first appearance, you may be able to talk to **duty counsel**. Duty counsel is a lawyer available at the courthouse to offer free advice and to help people who do not have a lawyer. He or she can tell you about your rights and the court process. You can get informal advice about your plea and an explanation about sentencing. Duty counsel may also speak for you at sentencing if you are sentenced on a day when duty counsel is available. It is up to you to take advantage of this advice on the day of your first appearance. Please note that duty counsel may not be available to offer advice for certain offences, such as traffic violations, and duty counsel is NOT available for a trial. Arrive about a half an hour before court starts so you can speak to duty counsel.

What if I want to plead guilty to a lesser charge?

Before your appearance you can ask duty counsel to speak to the prosecutor for you. Duty counsel can tell the prosecutor what you are planning to do about your charge. In some cases, duty counsel and the prosecutor may negotiate a **plea agreement**. In a plea agreement, the prosecutor may reduce or dismiss some of the charges if you agree to plead guilty. However, this is rare as the high number of cases makes it difficult for the prosecutor to deal with every case in the limited time available. Try to arrive early enough to talk to duty counsel.

What happens when it's time for my case?

When court begins, sit in the public seating area. You may not be the first case. Wait until a court official says your name. Then go to the front of the public seating. The judge will read out the charge. This is called **laying an information**. If you do not understand the charge, say so, and the judge will explain it to you. Then the judge will ask if you are "prepared to plead". You must tell the judge how you respond to the charge. This is called **entering a plea**.

How do I enter a plea?

Tell the judge whether you plead not guilty or not guilty. If you **plead not guilty**, the judge will set a date for the trial. Make a note of the time and date. If you **plead guilty**, then the Crown prosecutor reads the **particulars**. The particulars are the facts of the offence. The prosecutor also tells the judge about your criminal record if you have one. Listen carefully to what the prosecutor says and make sure it is correct. When the Crown prosecutor finishes, the judge will ask if you have anything to say. If you disagree with what the Crown prosecutor said about the facts or your criminal record, tell the judge. In this case the judge may hold a hearing to decide what happened. This is also the time to **speak to sentence**. Go to Part 5 for more information on Sentencing.

Tips for the Courtroom

- When the judge enters the courtroom, a court official calls the room to order and everyone must remain standing until the judge sits.
- You must also stand when you are addressing the court or when the judge is speaking to you.
- If you do not know where to stand or sit, a court official will tell you where you should be in the courtroom.
- Be polite and respectful. Call the judge in Provincial Court "Your Honour".
- Dress appropriately. Court is a serious occasion.
- Speak clearly and only when it is your turn to talk.
- Don't eat in court, carry opened beverages or chew gum or wear a hat. Turn off cell phones and portable music devices.

Part 3: Preparing for Your Trial

When should I start to prepare for my trial?

If you plead not guilty, you should start to prepare for your defence at trial as soon as possible. You should prepare carefully. Sometimes the trial date may be months away, so make notes about the incident that led to the charge. This way you can refresh your memory before the trial. Put any documents you may need for your trial in a safe place.

What is the prosecutor going to try to prove?

For most offences, the prosecutor must prove that you are the **same person** who was:

- charged at the time of the offence;
- **committed** the offence; and
- **intended** to do it.

> ***Remember*** *it's not an excuse to claim you did not know you were breaking the law, although the court will consider honest mistakes of fact.*

Can I find out about the case against me?

As explained earlier, you have a right to see the Crown file on the case against you. This information may help you prepare your defence. The witnesses the Crown prosecutor may use are called **Crown witnesses**. Look at the list of possible Crown witnesses. Think about the offence you are charged with. Write down what they each saw and did at the time of the offence. You may also find it helpful to write down any questions you want to ask each witness.

Do I need evidence?

It is up to the Crown prosecutor to prove the case against you beyond a reasonable doubt. You may bring information to raise reasonable doubt of your guilt. This information is **evidence**. It may be physical evidence like a bottle, hair or clothing. It may be a document, a photograph, a videotape or a tape recording. It may be what a witness saw, heard or experienced. The court has rules about what evidence you can use. The judge decides any question of evidence.

Can I use witnesses?

Yes, most evidence in court is presented by **witnesses**. A witness can be a person who saw or experienced what happened and gives evidence in court under oath. This is called **testifying**. When the witness is under 14 years old, the judge must believe that the child understands a promise to tell the truth. Only an expert witness can give opinions or beliefs. Generally, the judge is only interested in the facts. An important rule of evidence is you cannot tell the court information someone else told you (there are some exceptions). For example, if your neighbour saw something you want the judge to know about, ask your neighbour to be a witness.

Before the trial, make a list of your defence witnesses. What does each of your witnesses know? Decide which witnesses you will call in your defence. What can each of them tell the judge? Contact them and ask them to be a defence witness. It is up to you to make sure your witnesses know when to come to court. Decide the order you will call your witnesses.

What if my witnesses don't want to come to court?

If you have any doubt a witness will show up, go to the courthouse at least two weeks before the trial. The staff there can prepare a **summons** for each witness. The summons orders them to come to court on the date and time of your trial. You must serve the summons on the witness. You can either pay someone (check the yellow pages under "process servers") or ask a friend to do it. You need a sworn written statement (an **affidavit**) to show the judge that you served the witness or made a reasonable effort to do so. This way if your witness does not show up, you can ask the judge to adjourn the trial to another day and to issue a warrant to bring the witness to court. Otherwise the judge may go ahead with your trial without your witness.

What if I have other evidence?

Along with your witnesses, you can bring other evidence (such as photographs and documents) to show the judge. The basic rule is you can use information as evidence if it is relevant to something you are trying to prove. For example, if you are trying to prove you owned the article you are accused of stealing, it is **relevant** to bring a receipt. The receipt is evidence to show the court you bought the article and were the rightful owner. Remember, it is up to the judge to look at the evidence and decide what it proves. The judge may allow you to give evidence without prior notice to the Crown prosecutor but this is not always the case. The judge may accept (or reject) the evidence, and if necessary, grant the Crown prosecutor time to look it over.

Checklist: Preparing Your Witnesses

- ❑ Talk to your witnesses, one at a time, about what happened and what you will ask them in court. Before you ask a question in court you should know what the witness will answer. Otherwise you may get an answer that does not help you.
- ❑ Practice asking questions that help your witnesses relax. This will help them to tell accurately what they know.
- ❑ Explain that they must answer truthfully and you can't 'put words in their mouths'.
- ❑ Warn your witnesses not to lie in court. Lying in court is a serious offence.
- ❑ Tell your witnesses that the prosecutor may challenge their statements. Make sure they understand it's not personal.
- ❑ Prepare your witnesses to stay calm, take their time, answer truthfully & patiently.
- ❑ Give your witnesses the Being a Witness pamphlet, available from the Public Legal Education and Information Service of New Brunswick (www.legal-info-legale.nb.ca).

Can I testify?

You might want to be a witness yourself. However, you do not have to testify against yourself. Testifying means you go to the witness box and make statements in court under oath. There are both advantages and disadvantages to testifying yourself. You should talk to a lawyer to decide if you should testify. If the case against you isn't strong, you may not need to testify. It's the Crown prosecutor's job to try to prove you are guilty.

Before your court date comes up, it is a good idea to go to court and watch other cases. This may help you feel less nervous when you go to court. You'll see how the court works, where everybody sits, and what they say and do. Do this a while before you go to court yourself.

Advantages of testifying	Disadvantages of testifying
• It's your only chance to give "your side of the story". • You may be the only witness to the offence. • You can show you could not have committed the offence. • The judge can get an opinion on whether you're a truthful, honest person.	• You must testify under oath, and the Crown prosecutor can cross-examine you. • The prosecutor may ask you things you don't want to talk about, and you have to answer. • The Crown prosecutor will point out any weak spots in your evidence. • If you have a criminal record, the Crown prosecutor can ask you questions about it. (If you don't testify, the Crown prosecutor normally can't mention your record during the trial. However, there are exceptions to this rule.)

What else should I prepare before my trial?

Before the trial, you should think of what you will tell the judge to raise a reasonable doubt of your guilt. After the judge hears all the evidence, each side can make a final statement, called a **submission**. The Crown prosecutor explains why the judge should find you guilty. You can then explain why you are not guilty based on the evidence. Write down the main points you want to talk about in your submission. Remember to add any points that come up during the trial.

***Note**: The Canadian Charter of Rights and Freedoms provides special protection to people accused of an offence. For example, if the police collected evidence against you in a way that violates your Charter rights, such as an unreasonable search and seizure, the judge may refuse the evidence. You should discuss your rights with a lawyer.*

Part 4: Your Trial

Why is there a trial?

There is a trial because you say you are not guilty and the Crown prosecutor says you are. At the trial you and the Crown can present evidence. The judge will decide if you are guilty of the offence "**beyond a reasonable doubt**". It is not enough for the judge to think you probably committed an offence. A judge cannot find you guilty unless satisfied beyond a reasonable doubt that you are guilty. A basic principle of our justice system is it's better to let a guilty person go free than to punish someone who is innocent.

What happens if I don't go to the trial?

The judge may, in some circumstances, go ahead with the trial in your absence, or may make a warrant for your arrest. For provincial offences, like speeding tickets, the judge may simply find you guilty if you do not go to your trial.

How long will the trial take?

A trial may take anywhere from a few minutes to a day or two. It depends on how complex your case is. **Every criminal trial has 5 basic steps:**

Step 1: The case is called

What do I do when I arrive at the courtroom?

You can sit in the public seating at the back of the courtroom. Wait until a court official calls your name. Then go to the table opposite the prosecutor. The judge reads the charge(s) against you and asks if you are ready to begin the trial. Stand and say "Yes, Your Honour". If you and the Crown prosecutor are both ready, the trial begins.

Do the witnesses stay in the courtroom during the trial?

Either you or the Crown prosecutor may ask the judge to have all the witnesses leave the courtroom until they testify. This is an **exclusion order**. It prevents each witness from hearing what the others say. The order does not include you because you have the right to be in the courtroom to defend yourself properly. (However, the judge may remove you for disorderly behaviour.)

Step 2: The Crown prosecutor presents evidence

What happens first?

The Crown prosecutor calls Crown witnesses first. Often the main Crown witness is the police officer who handled the investigation. Each witness swears an oath or makes a solemn affirmation to tell the truth. Then the prosecutor asks the witness questions.

What should I do while the Crown prosecutor questions witnesses?

Write down the main points each witness makes. Note any weak spots or points where witnesses contradict themselves or each other. Even if you disagree with what a witness is saying, you must not interrupt. Later you can point out any weaknesses and contradictions when it is your turn to question the witness or during your submission.

> ***Note**: If a person involved in a court proceeding thinks the other side is breaking a rule of evidence, he or she can **object**. The judge decides whether to allow the evidence.*

Do I have a chance to ask the Crown witnesses questions?

When the Crown prosecutor finishes with each witness, it is your turn to ask them questions. This is **cross-examination**. Try to ask questions that will make the judge doubt the Crown witnesses. For example, you might show the witness is not sure of the facts or the evidence is weak. Remember, **you are allowed to ask Crown witnesses leading questions – questions that suggest the answer you want**.

You do not have to cross-examine each witness. It depends on what they said. If you agree with the witness, you may not need to cross-examine. If you think the witness left something out or was inconsistent or untruthful, you may want to ask the witness about it.

Is the witness finished after cross-examination?

When you question each witness, the Crown prosecutor has a chance to **re-direct**. This means, he or she may ask the witness more questions to clear up any new issue that came up during your cross-examination.

What happens after the Crown prosecutor finishes calling witnesses?

After calling all the Crown witnesses, the Crown prosecutor will say, "That is the case for the Crown." At this point, you may suggest to the judge that there is not enough evidence to prove you are guilty. In other words, the Crown prosecutor does not have a case against you. If the judge agrees with you, he or she may dismiss the charge(s). Otherwise the trial continues. The judge will ask if you want to present any evidence.

Step 3: You present evidence

How do I present evidence?

You may call any witnesses you chose and introduce any relevant documents or other information which supports your case through the witnesses. Before the trial starts, show the Crown prosecutor your documents. The Crown may agree to introduce the documents or evidence without you having to call certain witnesses. You call one witness at a time. After you question a witness, the prosecutor can cross-examine the witness. The prosecutor may ask questions that criticize or challenge the information which your witnesses gave.

Note: You CANNOT ask your defence witnesses leading questions that suggest the answer you want. For example, you cannot ask "Is it true that at 9 p.m. you saw Jim in the garage holding the stolen radio?" You can ask questions like "Where were you at 9 p.m.?" But avoid asking questions that a witness can answer with just yes or no.

What if the prosecutor brings up something new during the cross-examination?

Sometimes a new point comes up during cross-examination that you did not deal with when you questioned your witness. In this case you can ask your witness more questions (**re-direct**). For example you may need to ask more questions if you think the information on the new point was incomplete or incorrect.

Step 4: Both sides sum up their arguments

After presenting evidence, each side makes a final statement called a **submission**. The Crown prosecutor explains why the judge should find you guilty and you can explain why you are not guilty, based on the evidence the judge saw and heard. Try to present your points in a logical order. You can use notes to help remember your points.

Step 5: The judge makes a decision

In most cases the judge will tell you the decision, called a **verdict**, after the close of submissions from both sides. The judge may take a brief recess to further think about the case and return to give the verdict. Sometimes the judge will postpone the decision until a later date. If the judge **acquits** you (finds you not guilty), you are free to go. If the judge finds you guilty of the offence, this means you have been **convicted**. Next the judge will decide your **sentence**. A sentence is the punishment given to a person convicted of an offence.

Part 5: Sentencing

Will the judge decide my sentence right away?

If you plead guilty or the judge finds you guilty of an offence, then the judge will decide your sentence. The judge may sentence you immediately or postpone sentencing to another day. Sometimes there is a request for a **pre-sentence report**. This is a report that is prepared by probation officers setting out your background. You, the prosecutor or the judge can ask for a pre-sentence report.

Do I have a chance to speak before the judge decides my sentence?

Yes. The judge needs to know something about you so you will have a chance to **speak to sentence**. Be ready to on the day of your trial. You should prepare for the possibility that the judge will find you guilty. If there is a pre-sentence report, it will give the judge some of your background information. However, you may want to add something. Tell the judge anything about yourself and the offence that might lead the judge to give you a lighter sentence. Here is a list of things to consider when you speak to sentence.

1. Character information

General: General information may include your age, place of birth, marital status, dependants (children, dependent adults), medical disabilities, or your standing in the community. For example, do you do volunteer work or belong to a club or church?

Family circumstances: Your family circumstances may include the size of your family, where your family lives, whether you live with them, or your spouse's occupation.

Education: Your education may include the highest level of education (high school grade, college etc.) you completed, or any special skills or trade training.

Employment status: Your employment status may include your income, where you are employed and for how long. If unemployed, explain for how long and what have you done to look for work. If there has been a medical problem, you might wish to provide documentation of the problem for the judge (for example a doctor's letter).

Previous Criminal Record: You should not volunteer information about your criminal record. It is the Crown prosecutor's job to bring your criminal record to the court's attention. If there are inaccuracies in your record, then you should point them out to the Crown. If things cannot be resolved, then the Crown must prove the conviction(s) which you are disputing. The judge would then adjourn the proceedings in order to allow the Crown time to proof those conviction(s). If you acknowledge your record, you should usually say nothing unless you can qualify it. For example, maybe you committed the offence during a rough period in your life or there were special circumstances, like shoplifting a $2.00 item.

2. Circumstances of the Offence

The prosecutor will usually comment on why you committed the offence. In response you may wish to explain. For example, you should tell the judge if:

- you were having personal or financial problems.
- you played only a small part in the offence (if there were others involved).
- you were drunk or on drugs.
- the behaviour of the victim was to blame in any way.
- you are sorry for committing the offence, and/or have tried to help or repay the victim.
- you co-operated with the police.
- you suffered any loss as a result of the offence (lost your job, etc.).

***Remember**, when you speak to sentence, paint the best picture of yourself. Leave out irrelevant or damaging facts but always be absolutely honest with the judge. As a general rule, never remind the judge of the negative and always emphasize the positive. Be sure to say everything you want to at this point because you cannot interrupt the judge once sentencing begins.*

What type of sentence will I get?

The judge will look at many factors to decide your sentence. A victim of crime has the right to prepare a **Victim Impact Statement** which a court **must take into consideration** when determining the sentence to be imposed on the offender. You can get a copy of this statement from the Court at the time of sentencing.

***Note**: The judge can only discharge you if:*

- *it is in your best interests, and*
- *you are convicted of a lesser criminal offence (an offence that has no minimum penalty and a maximum penalty of less than 14 years in prison), and*
- *it is not contrary to the public interest.*

Your sentence may include:

- **Fines:** A fine is a sum of money you must pay. The judge may give a range of fines. The law adds 15% to the fine, called the **Victim Fine Surcharge**. This additional money goes to help victims of crime.
- **Suspended sentence and probation**: The judge may suspend (put off) your sentence and instead put conditions on your behaviour. The conditions are set out in a probation order and can last up to two years. For example, conditions may require reporting regularly to a probation officer, staying away from alcohol or drugs, or entering a rehabilitation program. A judge may make a probation order in addition to fines or jail terms.
- **Conditional Sentence**: A conditional sentence is a jail sentence for a certain term that you must serve someplace that the court designates such as your own home along with conditions that you must follow such as only leaving the house for work or medical appointments.
- **Release Without Penalty**: For a provincial offence, the judge may choose to release you without any sort of punishment. This rarely happens.
- **Jail Term**: The judge may order a jail term. The law requires a jail term for some offences.
- **Absolute and Conditional Discharge**: A discharge means the judge finds you guilty of a criminal offence, but discharges you instead of entering a formal conviction against you. The effect of a discharge is you have been found guilty but are deemed not to have been convicted.

An absolute discharge means you do not have to serve any sentence. This takes effect immediately. Under a conditional discharge the accused is required to enter into a probation order for a specified period of time. The probation order can specify conditions the person must adhere to during the specified period. At the end of the probation period, the discharge will become absolute. If you do not meet the conditions, the judge may wipe out the conditional discharge and give you a different sentence.

Appeals

If you believe there was a serious error, you may appeal. You do not always have a right to appeal, in some cases you may have to seek permission to appeal from the judge (called leave to appeal). You can appeal your conviction, your sentence or both. If you wish to appeal, you need good legal reasons for it. You should see a lawyer for legal advice. This is a technical area of law with complex rules and documents to file. Even if you have good reasons for an appeal, your appeal may not go ahead if you don't follow the proper procedures. You must begin the process within thirty days of the judge's decision.

Key Legal Terms

Accused: A person who is charged with a crime.

Acquittal: A judgment by the court that the accused is not guilty of the charge.

Adjournment: The court hearing is temporarily stopped until another time or day.

Affidavit: A written statement sworn or affirmed to be truthful and signed in front of the person to whom it is sworn.

Appearance notice: A document which tells the accused to go to court at a specific time to answer charges that have been laid.

Beyond a reasonable doubt: The level of proof normally needed to find a person guilty of having committed an offence.

Charge: A formal accusation that a person has committed a specific offence.

Conviction: A judgment by the court that the accused person is guilty of the charge.

Counsel: A lawyer.

Criminal offence: An offence that violates the Criminal Code of Canada. If convicted of a criminal offence a person has a criminal record. There are two types of criminal offences:

- Indictable offence: A serious offence, such as murder which has serious penalties (two years to life imprisonment).
- Summary Conviction offence: A less serious offence with lesser penalties (under six months in jail and/or $2000 in fines).

Criminal record: A person who is convicted of a criminal offence has a criminal record. Conviction of a provincial offence does not give you a criminal record.

Cross-examination: Both the prosecutor and the defence have the right to question (cross-examine) a witness the other side calls.

Crown file: The information the prosecutor puts together and uses to prove a case at trial.

Crown witness: A witness the prosecutor calls.

Defendant: A person against whom a legal proceeding has been taken.

Direct-examination: When a witness is questioned by the lawyer who called them to testify.

Duty Counsel: A lawyer available at the courthouse to offer free advice and help to people who do not have a lawyer. He or she can explain the court process, give informal advice about a plea and explain sentencing.

Evidence: Anything relevant to the guilt or innocence of the accused not excluded by law.

Failing to appear: An offence for not going to a court appearance.

Guilty: The decision by the judge or the jury that the accused committed the crime. An accused can admit he or she did the crime by pleading guilty.

Hearing: A proceeding for the presentation of evidence in court, for example, a preliminary inquiry, a trial, or a sentence hearing.

Indictable offence: See Criminal offence.

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

Laying an Information: Laying an information, also called laying charges, means presenting, under oath, a formal written accusation charging someone with committing a crime to a judge.

Leading questions: Questions that suggest an answer to the witness.

Oath: A legally binding promise to tell the truth made by swearing on the Bible or other religious document, for example, the Koran. A person who does not want to swear on a religious document makes an "affirmation".

Objection: If a person involved in a court proceeding thinks the other side is breaking a rule of evidence, they can ask the judge not to allow the evidence. This is called an objection.

Offence: Violation of a federal, provincial or municipal law. Offences can range from very serious offences to less serious offences. See Criminal offence and Provincial offence.

Particulars: The facts of an offence.

Plea: The answer of an accused ("guilty" or "not guilty") when charged with an offence.

Pre-sentence report: A description of the accused's family life and personal situation, prepared by a probation officer, which helps the judge decide an appropriate sentence.

Prosecutor: The lawyer representing the public. In New Brunswick the full title is the Crown prosecutor. At the trial the prosecutor presents evidence against the accused.

Provincial offence: Violation of a provincial law. Some of these offences include speeding, hunting at night, parking in a disabled parking spot and drinking liquor in public. Conviction of a provincial offence does not give you a criminal record.

Relevant: Evidence which helps to prove something.

Sentence: The punishment given to a person convicted of an offence.

Sentence hearing: A hearing held after the accused has been found guilty of an offence. The judge can hear evidence to help decide on an appropriate sentence.

Statement: A description of events given to the police. Usually a statement is in written form and the person giving the statement signs it.

Submission: The final statement each side makes to the judge.

Summons: A court order telling a person when and where they must appear as a witness.

Summary conviction offence: See Criminal offence.

Testify: To make a statement in court under oath.

Testimony: Statements made in court by a witness under oath.

Trial: A hearing where both sides present evidence and the court makes a decision.

Verdict: The decision of a judge or jury about the guilt or innocence of the accused.

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