

APPEARING IN ADULT PROVINCIAL COURT

The Elizabeth Fry Society of Edmonton

Step 1: You're Charged

The police will give you an appearance notice, which tells you the date, time and place you are to make your first appearance in court. **Check the bottom of your notice to see whether you are also required to appear for fingerprinting.**

If you are required to do so, be sure to show up for fingerprinting. Failure to do so is a criminal offence and could result in your arrest and an additional charge.

Step 2: Know Your Type of Offence

It is important to know whether you have been charged with a summary conviction offence or an indictable offence.

Summary Conviction Offences

- are considered to be less serious crimes than indictable offences
- you may be able to have another person (lawyer or friend) appear on your behalf.

Indictable Offences

- are considered to be more serious than summary offences and carry higher penalties.
- you must appear in court.

Dual or Hybrid Offences

- Offences that may be classed as either summary offenses or indictable offences at the option of the Crown Prosecutor.

Note:

You can only have another party appear on your behalf if your offence is a summary offence. You can call the Crown Prosecutor's office and ask if your offence is summary or indictable.

Phone: 422-1111

Step 3: Getting Legal Assistance

Everyone can benefit from receiving advice from a lawyer. Even if you intend to plead guilty or if you wish to represent yourself...**Lawyers Can Help.** If you wish to seek legal advice, information and/or representation, see the Yellow Pages of your telephone book under "Lawyers" or contact one of the following agencies:

Lawyer Referral (1-800-661-1095)

- services provided in 33 languages
- will provide the name of three lawyers who practice law in your area of concern. i.e. criminal, civil, family, etc.
- you will receive 1/2 hour of free legal advice from the lawyer you choose;
- you may wish to hire this lawyer, if you do you will have to pay his/her fees.

Legal Aid
(427-7575)

300 Revillon Building, 10320 - 102 Ave.

- may provide a lawyer for indictable offences if you do not have enough money to hire a lawyer if:
- a conviction will result in going to jail:
or
- there will be a loss of means to earn a living if convicted e.g. if you are a truck driver and lose your license because of an impaired charge, you have lost your means to earn a living
or
- there are special situations, e.g. English is not your first language and you need an interpreter.

\$10.00 fee (bring it with you to your appointment)

Legal Aid can also be applied for at the Provincial Court, 2nd Floor,
Edmonton, Alberta

On your first court appearance, ask for Duty Counsel who will give you a referral card.

Legal aid is not free. You will be expected to pay back the legal fees on a monthly basis.

Native Counselling Services of Alberta (423-2141)

800 Highfield Place
10010 - 106 Street

- offers information, guidance counselling and referral services to Native people charged with offences
- will assist in court (Court of Queen's Bench, Youth Court, Family Court and Traffic Court)

Student Legal Services of Edmonton

(425-3356) #104, 9924 - 106 Street

- supervised law students provide assistance on summary offences
- you do not have to be a student to use this service

Step 4: Choosing a Plea

When you go to court for the first time, the judge will expect you to choose one of the following plea options:

Reserve Plea

- your case will be put over for 1-2 weeks so that you can get legal advice, information or hire a lawyer

Plead Guilty

- you will probably be sentenced at that time

Plead Not Guilty

- The details of your case will not be heard at this time but a trial date will be set.

Note:

If you are charged with an indictable offence, you may be required to decide how you wish to be tried. (i.e. Provincial Court Judge, Court of Queen's Bench Judge, or Court of Queen's Bench Judge and Jury) This is called an election. It would be a good idea to seek legal advice on this matter.

Step 5: Appearing in Court

Failure to appear in court will result in a warrant being issued for your arrest and an additional charge of "Failure to Appear" being laid.

If you are not sure what to do when you go to court, the following services are available outside the first appearance and second appearance courtrooms.

Elizabeth Fry Society Courtworkers (identified by badges)

- Available 1/2 hour (8:30 am) before court #265 and #268
- Provide information on court procedure, plea options, directions, referrals to Duty Counsel and to other community & legal resources.

Duty Counsel

- Duty Counsel is available to anyone appearing in courtrooms #265, #267 and #268
- They are lawyers who provide free legal advice before court begins, and speak for you when it is in session.
- They can speak on your behalf at your first appearance, do bail hearings, enter a plea of guilty or not guilty and speak to sentence, but they will not act for you at trial.

Step 6: Sentencing

The judge has the choice of sentencing you to a fine, probation, a suspended sentence, conditional discharge, restitution, community service hours and/or a prison term.

If you have been sentenced to a fine, but need time to raise the money, you may ask the judge for "Time to pay". This is called a **Fine Order**. If you can't pay your fine by the due date, you can apply for an extension prior to the day it is due. Go to the Court Clerks office on the main floor and they will help you apply for an extension.

If you wish to work off your fine, you can obtain a Fine Order slip from the court clerks office on the main floor. Then you can call **The Fine Options Program** at 422-0359.

A Victim Fine Surcharge is mandatory if ordered by the court.

Step 7: Records and Pardons

Individuals who have been found "not guilty" or who have had their case dismissed or withdrawn, will not have a criminal record. Individuals who have been granted an "absolute or conditional discharge" will not have criminal record, however the national police information system may include such court decisions. The RCMP will automatically remove information about absolute discharges from their computers one year

after the court decision and will remove information about conditional discharges three years after the court decision. A criminal record does accompany the following: suspended sentence, conditional sentence, probation, fine, community service hours, Restitution, and jail/prison term.

Step 8: Travelling With a Criminal Record

If travelling outside of Canada, be aware that each country has the right to refuse entry to a person with a criminal record (even if you have a pardon). When planning a trip, contact the Consulate of the country you wish to visit.

If travelling to the United States, you can contact the US Immigration Department at the Edmonton International Airport to apply for a waiver. Phone: 890-4486. This should be done well in advance of your trip in order to allow sufficient time to process your request.

Should you need someone to explain or clarify any of the information in this brochure, please call;

**The Elizabeth Fry Society of Edmonton
1A Sir Winston Churchill Square
Edmonton, Alberta
Phone 422-4775**

Note: This brochure provides general information only and is not intended to provide legal advice