

Procedure for Appearing in Youth Court Provincial; Criminal Division in Calgary

The philosophy of the Young Offenders Act is set out in its Declaration of Principle and is interpreted to mean:

- That young persons will bear responsibility for their actions when they break the law.
- That young persons should not be held accountable in exactly the same manner as adults.
- That the public should be protected from such offences, while recognizing that young persons have special needs and require assistance.
- That when dealing with young persons rehabilitation is a primary objective.
- That there is an emphasis on the principle of minimal intervention while protecting society.
- That where it is not inconsistent with the protection of society, measures other than formal judicial proceedings should be used.
- Parents have a responsibility for the care and supervision of their children.
- That young offenders will only be removed from their families when continued parental supervision is inappropriate.
- That young persons have special rights and guarantees to protect their rights and freedoms, taking into consideration their particular needs and circumstances.
- A young person will be informed of their rights and freedoms in their own right, including the right to be heard on decisions that affect them and special guarantees of rights and freedoms.

First Appearance Courts and Trial Courts

Courtroom #101

This courtroom is generally reserved for matters dealing with youths in custody.

Courtroom #102, 103, 104

These courtrooms are generally reserved for trials.

Courtroom #301

This courtroom is generally reserved for youths out of custody.

Step 1

You have been charged

If you have been charged with a criminal offence and you have not been detained in custody, the police will give you an appearance notice that tells you the date, time and

place you are to make your first appearance in court. Check 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 show up for fingerprinting when required to do so is a criminal offence and could result in your arrest and an additional charge.

Step 2

Know what type of offence you have been charged with

Summary Conviction Offences

Considered to be less serious crimes than indictable offences. You must appear for all of your court dates. An example of a summary offence is Causing a Disturbance.

Indictable Offences

Considered to be a serious charge. You must appear for all your court dates. An example of an indictable offence is Robbery.

Dual Offences

Crown Prosecutor decides which type of offence you are charged with: Summary or Indictable.

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 to ask (297-8444).

Getting Legal Assistance

You have the right to a lawyer, even if you can't afford one.

If You Cannot Afford a Lawyer:

The Young Offenders Act guarantees access to legal counsel at all stages of proceedings. Contact Legal Aid at 297-4400 for information about the services they provide.

If You Can Afford a Lawyer:

Call Lawyer Referral 288-1722. They will give you names of three lawyers you can hire. Each will give you a half hour of free advice.

Need Help?

Court Clerk

Everyone must check in with the court clerk when they arrive at court. If you are late for court then sit in the courtroom until there is a break or an adjournment is called, at this time let the clerk know you are present. Refer to the court clerk for an interpreter or to have someone's name moved up or down on the list.

Elizabeth Fry Courtworkers (in maroon blazers)

Are present at youth court on a daily basis to provide information on court procedures, plea options, how to find a lawyer and community referrals.

Native Court Workers

Will appear in court for Aboriginal people. They may speak on a youth's behalf when entering a guilty plea, and refer youth to Native programs and services.

Duty Counsel

Are free lawyers who are at court and who can help you with your appearance.

Probation Officers

Write reports about your background if the Judge requires them to.

Step 4

Choosing a Plea

At the first appearance in Youth Court, the judge will have the charge read to the young person and inform the young person of his or her right to be represented by legal counsel. Before accepting a plea of guilty or not guilty, the Judge must be sure that the young person understands the charge. If the court is not satisfied that the young person understands the charge, court will direct that a not guilty plea is entered.

Guilty Plea

If a guilty plea is entered and the Youth Court Judge is satisfied that the facts support the charge, a conviction is entered and a disposition (sentence) may be given right away, or there may be an adjournment so that a predisposition report can be prepared by a probation officer. (A predisposition report is always required before a disposition involving custody).

Not-Guilty Plea

If a not guilty plea is entered, there will be an adjournment and a date for a trial will be set.

Reserve Plea

If the young person reserves plea, there is generally an adjournment for two to three weeks to allow them time to talk to a private lawyer or Legal Aid.

Note:

If you are convicted, your youth record is not automatically destroyed when you reach the age of 18. Ask a lawyer for information about sealing and disclosure of records.

Alternative Measures

The crown counsel, on the recommendation of the police, may decide not to take any formal judicial proceedings, but may decide to refer the young person to an Alternative Measures Program. Alternative Measures are intended not only to avoid unnecessary referral to the court and the possibility of a criminal record, but also to offer a young person the opportunity to accept responsibility for his or her behavior and to become involved in the reparation of the wrongdoing, frequently for the benefit of, and with the participation of, the victim.

Note:

Before consenting to participate in Alternative Measures the Young Offender must be notified of his or her right to counsel.

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. Similarly, if you do not attend fingerprinting, a warrant will be issued and an additional charge of "Failure to Appear" will be laid.

Youth Court starts at 9:30am for everyone.

Witnesses

The name of the accused will appear in the top left-hand corner of your subpoena. About half way down the subpoena, it will tell you which courthouse you need to attend in.

If you are a witness or victim that has to testify at a trial, it is always a good idea to check to make sure the matter is still going to be heard in the courtroom indicated on your subpoena. You can check this out by looking on the docket or by asking one of the Elizabeth Fry Society Courtworkers.

Sometimes matters are dealt with on an earlier date and you are not notified. If you have any concerns about this or any other questions, you can call Witness Central at 297-2433. When the courtroom opens you will need to hand in your subpoena to the court clerk. This is the person in the black robe that sits below the judge. They will let the Crown Prosecutor know that you are here.

When the trial starts all witnesses will be asked to leave the courtroom. You cannot listen to any other testimony until you have testified yourself. If you wish to sit in court after you have testified you can do so.

Also note the designated parking lots indicated on the back of your subpoena. If you use these parking lots they will reimburse your parking for you when you are done in court. You will need to go to the 3rd floor when you are finished testifying and they will validate your parking for you.

Step 6

Dispositions (Sentencing)

The sentence you receive is a choice by the Judge. Some possible sentences a youth could receive are:

-Custody (jail)

-Compensation (pay back the victim) or Community Service Hours (work for the community)

-Probation: The Judge may impose conditions and require you to meet regularly with a probation officer

-Fine: If you get a fine in court, you can ask the Judge for “time to pay”. The Judge will then set a date when you must pay your fine.

If you cannot pay your fine, you can work it off through the Fine Options Program. Get a Time to Pay slip from the Court Clerk’s office on the 2nd floor and phone Fine Options at 268-5111, 7th Floor, 800 Macleod Trail S.E.