

Plea Bargaining Negotiations between the defense council and the Crown Attorney concerning the charges against the accused and the pleas of the accused. The Crown may accept a guilty plea on a lesser charge instead of incurring the expense and problems of a trial on the original charge.

Preliminary Hearing A hearing before a provincial court Judge to decide whether or not there is enough evidence to formally charge the accused.

Probation A punishment given to a person convicted of an offence which requires them to obey certain conditions but does not require them to pay a fine or to spend time in jail.

Promise to Appear A document that is signed when the accused is released from custody, saying that they promise to appear for their court date.

Publication Ban A court order preventing the media from presenting certain information (often the identity of the victim of the crime) to the public. Also known as a "Publication Ban".

Recognizance An accused is released on their own recognizance when the Judge/Justice of the Peace gives permission for the accused to be released on bail, subject to the conditions specified on the appropriate form.

Restitution Return of property which has been taken unlawfully from its owner; payment ordered by the court of the offender to the victim for injuries inflicted upon the victim by the offender. See "Compensation".

Restraining Order A restraining order can be applied for at Family Court, the Provincial Division. This will limit an individual access to another individual or provide for supervised access through an agreed upon third party.

Sentence The punishment given to a person convicted of a crime.

Sentencing Hearing A hearing held after the accused has been found guilty of a crime. The judge can hear evidence to help decide on an appropriate punishment.

Show Cause Hearing A hearing where the Crown Attorney must convince the court that the accused should be kept in jail until trial. Also known as a "Bail Hearing".

Statute of Limitations A law which fixes a period of time within which legal action may be taken against an alleged offender.

Subpoena An order of the court telling a person when and where they must appear as a witness.

Summary Conviction Offence A less serious crime for which the maximum sentence is six months in jail and/or a \$2000 fine. Probation, discharges and suspended sentences are less severe sentences. Summary conviction offences are dealt with in the Ontario Court (Provincial Division) and are tried by a Judge alone.

Summons Legal document ordering the appearance in court of an accused person.

Surety A surety is a person who agrees to pay the money set out in the recognizance if the accused does not appear for his or her court date. In effect, the surety agrees to be responsible for the accused's appearance on the trial date.

Suspect The person thought to have committed a crime.

Suspended Sentence A punishment given to a person convicted of an offence which does not require the person to spend time in jail.

Transcript A written copy of court proceedings. For information on obtaining court transcripts please call the Kitchener Government Information Centre at (519) 576-6517 or 1-800-837-0877. The cost is calculated on a per page basis, and should be clarified prior to ordering.

Verdict The decision of the Judge or jury as to the guilt or innocence of the accused.

Victim A person against whom a crime has been committed. Also includes those affected by a crime or accident.

Victim Impact Statement A statement written by a victim to tell the court how a criminal offence has affected the victim and those close to them.

Voire Dire A special hearing at which a Judge decides whether evidence can be presented at the trial.

Warrant Expiry The latest date on which all of a prisoner's sentences expire.

Warrant for Arrest An order of a Judge or Justice of the Peace giving the police permission to arrest someone.

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

Youth Criminal Justice Act A Federal law which sets out how young people will be treated if they are suspected of having committed a criminal offence. Applies to anyone over 12 years and under 18 years of age. Provincial laws apply to children under 12 suspected of having committed a criminal offence.

For additional assistance, please telephone Victim Services of Waterloo Region, or consult our website for information.

24 hours a day – 7 days a week
Our response is *caring, skilled and effective.*

Taken in part from the Caledon/Dufferin Victim Services Training Manual (1998), the Government of Ontario Website (1998), Black's Law Dictionary (6th ed.) and The Victim's Guide to the Canadian Criminal Justice System by Kate Riedel (c 1989).

The views and opinions expressed in this publication do not necessarily reflect the views and opinions of the Ontario Government or the Ontario Ministry of the Attorney General.



**Court Terms
for Criminal Court**

(519) 585-2363
www.vswr.ca



Introduction

Attending court can be very stressful and frustrating. When attending a trial or hearing, one of the stressful aspects can be that it is hard to understand what the judge and lawyers are talking about.

The average person knows some court terms from watching television or from reading the newspaper, but there are many terms used which are likely to be new and strange to them. The goal of this booklet is to provide a reference that can be brought to court or read in advance, in order to help those attending to better understand that they are hearing, and the proceedings in general.

Glossary of Legal and Courtroom Terms

Absolute Discharge	The lightest sentence that can be given to a person found guilty of a criminal offence. The accused is found guilty, but not convicted and is not required to serve a sentence.
Acquittal	A judgment by the court that the accused is not guilty of the charge(s).
Adjournment	Postponement of a case to another time or date
Appeal	A review of a trial decision by a higher court.
Appearance Notice	An order that tells the accused to go to court at a specified date and time to answer charges that have been laid.
Assault	The intentional or threatened use of force against a person without their consent.
Bail	Money/property deposited with the court as a guarantee that the accused will come back for a hearing or trial.
Compensation	Money given to make up for financial loss, physical or emotional injury. Usually provided through the Criminal Injuries Compensation Board. See "Restitution".
Complainant	The person who states that a crime has been committed; the victim of the alleged crime.
Conditional Discharge	A person found guilty of an offence can be discharged under orders from the Judge to obey certain conditions for a specified time period, instead of a prison term or other punishment. If the accused complies with the conditions, they will not gain a criminal record.
Conditional Sentence	A prison term that is served outside of a prison facility, with conditions attached.
Concurrent Sentence	Two or more prison terms are served at the same time. Once the longest term specified term has been served the prisoner is entitled to be released, instead of having to complete all the terms one after the other.
Consent	In sexual assault cases, the court must consider whether or not the complainant consented or agreed to the sexual activity, and

	whether or not they had the capacity to consent. There must have been no consent for a crime to have occurred.
Consecutive Sentence	Two or more separate prison terms, which much be served one after the other.
Contempt of Court	Interfering with the administration of justice or ignoring the rules of the court.
Conviction	A judgment by the court that the accused person is guilty of the charge.
Counsel	A lawyer or legal advisor.
Court	Provincial court of first appearance where trial dates are set.
Docket	The lawyer representing the Crown. At the trial, the Crown Attorney presents evidence of the crime and tries to prove that the accused committed the crime.
Crown Attorney	Also referred to as the "Crown Prosecutor", "Crown Counsel" or the "Crown".
Defense Counsel	The lawyer representing the defendant.
Defendant	A person accused of an offence and against whom legal action has been taken; a person defending or denying a claim.
Duty Counsel	Available to assist people who do not have a lawyer acting on their behalf in the courtroom. Provided by "Legal Aid".
Evidence	Testimony by a witness, or object(s) identified by witnesses that are presented to the court to help the court reach a decision.
Examination for Discovery	An oral questioning of the plaintiff by the defendant and vice versa to find out the details of the plaintiff's or defendant's case, and to help establish the case.
Exculpatory Statement	A statement that clears the person speaking of guilt.
Guilty	The decision by the Judge or the jury that the accused committed the crime. An accused can admit they committed a crime by pleading guilty.
Hearing	A proceeding. The presentation of evidence in court, for example, a preliminary inquiry, trial or sentencing hearing.
Inculpatory Statement	A statement that implies the speaker is guilty.
Indictable Offence	Serious crimes; all crimes involving violence with weapons or injury. Certain offences are punishable with maximum sentences of two, five or fourteen years in prison. The maximum sentence for some indictable offences is life imprisonment. When a person is accused of an indictable offence, he or she usually has the choice of being tried by Judge alone in either the Ontario Court (General Div.) or the Ontario Court (Provincial Div.), or by Judge and jury in the Ontario Court (General Div.).
Indictment	Formal written charge of a serious crime (indictable offence) used in Court of Queen's Bench or Supreme Court.
Information	A formal accusation charging someone with

	having committed a crime. Presenting, under oath, a written complaint to a Judge.
Intermittent Sentence	A prison term of 90 days or less given to a person convicted of an offence. An intermittent sentence allows the person to serve the prison term in intervals (e.g. on weekends) over a longer period of time.
Judge	A person with the authority to hear evidence and decide cases in court.
Judgment	The decision of the court in a legal process.
Judicial	Pertaining to the administration of justice, belonging to the office of a Judge.
Judicial Order	Court order granted by a Judge/Justice of the Peace releasing the accused from custody on their own bond or promise to appear.
Interim Release	A group of people chosen by the Crown Attorney and the defense lawyer form a pool of eligible, ordinary citizens. The jury listens to the evidence presented at a trial and the Judge's instructions on how to apply the law, then decides whether or not the accused is guilty.
Jury	An officer of the court who has some of the powers of a Judge.
Justice of the Peace	Legal services provided to individuals unable to afford a lawyer. Every provincial legal aid plan has different rules for eligibility.
Legal Aid	A legally binding promise to tell the truth made by swearing on the Bible or another religious document. A person who does not want to swear on a religious document makes an "Affirmation".
Oath	The release of a person from prison prior to the end of their sentence. They continue serving the sentence outside the prison under supervision. The released prisoner must obey certain conditions of parole or they will be sent back to prison. See also "Mandatory Parole".
Parole	Obtained at a criminal sitting of the Provincial Division of the Ontario Court of Justice. If the police have not charged an individual, but the victim fears for their safety they can go before a Justice of the Peace and swear an information. If the Justice of the Peace feels it is warranted, they will order the other party to appear in court and promise in writing that they will keep the peace and be of good behaviour. This is called "entering into a recognizance". If the party refuses to comply, they may be jailed for up to 12 months unless they can show good reason for disobeying the order. Expires within one year.
Peace Bond	To tell a lie in court after having sworn or taken an affirmation to tell the truth. Punishable with up to 14 years in prison.
Perjury	The complainant. The victim or other person who starts a lawsuit.
Plaintiff	The answer given by an accused when charged with a criminal offence – "guilty" or "not guilty".
Plea	

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