

Objection The act of a lawyer who objects to some matter in the course of a hearing. Used to call the court's attention to improper or illegal evidence or procedure.

Oath 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".

Parole 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 to complete the remainder of the sentence.

Plea The answer given by an accused when charged with a criminal offence - "guilty" or "not guilty".

Bargaining Negotiations between the defense counsel and the Crown Attorney concerning the charges against the accused and the plea 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 against an accused to commit for a Court of Queen's Bench full trial.

Pre-sentence Report (PSR) A description of the offenders background and personal situation, prepared by a probation officer, which the judge has asked for and uses to help in deciding an appropriate sentence.

Probation A sentence 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. It can be ordered to follow a period of incarceration.

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.

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.

Remand Held in custody until next court appearance. Remand time serves as double time if convicted of an offence.

Reserve Decision A judge may decide to take time to do research, study the law or further review evidence presented at the time of trial before making a decision.

Sentence The court's determination of punishment for the accused convicted of a crime.

Sentencing Hearing A hearing where the judge will impose a sentence on the convicted offender based on the seriousness of the offence circumstances, submissions from both counsel, and case law that guides sentences.

Show Cause Hearing A hearing where the Crown Attorney must convince the court that the accused should be held in custody, for cause, until a hearing or trial date.

Stay of Proceedings Charges against the accused are dismissed but can be reinstated within one year.

Subpoena An order of the court telling a person when and where they must appear as a witness for a certain crime committed by a named accused.

Summary Conviction Offence A less serious crime for which the maximum sentence is six months in jail and/or a \$2000 fine.

Summons Legal document ordering the appearance in court of an

accused person..

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

Trial A hearing where both sides of the case present evidence and the court makes a decision. Can be held at Provincial Court or Court of Queen’s Bench.

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

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.

Victim Surcharge A mandatory penalty, federally and provincially legislated, that is to be paid by the offender for each offence they are convicted on. The surcharge can be waived by the court if Defence counsel leads evidence of hardship or inability to pay on behalf of the accused.

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

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

Witness A person who testifies that they had information about the accused, no further legal

Withdrawal A withdrawal of a charge against someone. **Youth** A Federal

Criminal Justice A branch of law dealing with having

Act applies to

anyone over 12 years and under 18 years of age.



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

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Parkland Victims Services Inc.

“Offering a Listening Ear”

Court Terms

for Criminal Court

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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 pamphlet is to provide a reference that can be brought to court or read in advance, in order to help those attending to better understand what they are hearing and the proceedings in general.

Glossary of Legal and Courtroom Terms

- Absolute** The lightest sentence that can be given to a person found guilty of a criminal offence. The court releases the person and no conviction is registered.
- Discharge** The person who is charged with an alleged crime. Only after they are convicted of a crime is it appropriate to call the "offender".
- Accused** A judgment by the court that the accused is not guilty of the offence charged with.
- Acquittal** Evidence that is relevant to that hearing, appropriately obtained and that can be presented to the court.
- Admissible** Postponement of a case to another time or date.
- Evidence** A form of review of a trial decision by a higher court.
- Appeal** A legal notice that tells the accused to attend court at a specified date and time to answer to charges that have been laid against them.
- Appearance** The intentional or threatened use of force against a person without their consent.
- Notice** Money/property deposited with the court as a guarantee that the accused will come back for a hearing or trial.
- Assault** The level of proof needed to find a person guilty of having committed a crime.
- Bail** **Beyond a Reasonable Doubt**
- Charge** A formal accusation that a person has committed a specific crime under the Criminal Code of Canada.
- Closed** Also known as "secure custody", that is the term for jail for Young Offenders.
- Custody** Money given to make up for loss (property damage or
- Compensation**

physical or emotional injury)

- Complainant** The person who states that a crime has been committed; the victim of the alleged crime.
- Conditional Discharged** 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** When there are more than one offence and sentences, to be sentenced concurrently means the offender only serves the period of time of the longest sentence.
- 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 must be served one after the other.
- Contempt of Court** Interfering with the administration of justice or ignoring the rules of the court.
- Conviction** A judgement by the court that the accused person is guilty of the charge.
- Corroborating Evidence** Evidence by another witness or source that confirms or supports evidence already given to the court.
- Counsel** A lawyer or legal advisor.
- Criminal Code** A federal statute that defines what crimes are, what the maximum punishments are for those crimes, and what the legal procedures are for dealing with those crimes.
- Cross Examination** Both the Crown and Defence counsel have the right to question (cross-examine) a witness on their evidence presented.
- Crown Counsel/Prosecutor** The lawyer representing the Crown. At the trial or hearing, Crown Counsel presents evidence of the crime and tries to prove, beyond a reasonable doubt, that the accused committed the crime. Also referred to as the "Crown Prosecutor", "Crown Counsel", or the "Crown".
- Defendant** A person accused of an offence and against whom legal action has been taken. A person defending or denying a claim.
- Defense Counsel** The lawyer representing the defendant.
- Direct Examination** The evidence of a witness given in court. During direct examination, the lawyer who called the witness asks questions. Also call examination-in-chief.
- Duty Counsel** Available to assist people who do not have a lawyer acting on their behalf in the courtroom. Provided by "Legal Aid".
- Dual Procedure** A criminal offence that can be prosecuted either summary conviction or indictment. The decision as to which way to proceed is made by the Crown and is based on the seriousness of the offence circumstances and previous history of accused.
- Election** The procedure by which an accused chooses the method by which he/she will be tried. This is allowed only in serious criminal offences. The options include tried by Court of Queen's Bench judge with jury, Court of Queen's Bench judge alone or by a Provincial Court Judge.
- Election by the Crown** Procedure by which the Crown decides the method of prosecution in a particular offence (either summary or indictable).

Evidence Testimony by a witness, or object(s) identified by witnesses that are presented to the court to help the court reach a decision.

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.

Hearsay In legal terms, hearsay is information given to a witness by another person, but which the witness did not see or otherwise experience first hand. The witness does not have personal knowledge of the original event.

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 Provincial or Queen's Bench Court or by Judge and Jury in Queen's Bench Court.

Indictment The formal procedure used to deal with more serious charges. It allows for, or forces, a judgement in a high court (Court of Queen's Bench Court).

Information A formal accusation charging someone with having committed a crime. Presenting, under oath, a written complaint to the 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.

Judgement The decision of the court in a legal process.

Judicial Interim Release Legal procedure by which an accused who is in custody is released until trial or hearing, unless

Crown can "show cause" why the accused should be detained. Also called "bail".

Jurisdiction The range of powers and/or territory over which a body may act. In the case of a court, jurisdiction pertains to the type of case and the physical area over which the court has legal authority. Jurisdiction must be established in every case.

Jury A group of people chosen by the Crown Attorney and the Defense Lawyer from 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.

Justice of the Peace An officer of the court who has some of the powers of a Judge.

Legal Aid Legal services provided to individuals unable to afford a lawyer.