

**Absolute Discharge:** After being found guilty, the accused may be discharged without a record of conviction.

**Accused:** The person charged with a crime.

**Acquittal:** Finding someone not guilty.

**Adjournment:** Postponement of a case to a specified date.

**Affirmation:** A legally binding promise to tell the truth.

**Allegation:** An assertion that has yet to be proved or supported by evidence. Something that someone has 'said' has happened.

**Appearance Notice:** An order that tells the accused to be in court at a specified time.

**Charge:** The law that the police believe the accused has broken.

**Complaint:** A statement to the police accusing someone of breaking the law.

**Complainant:** The victim of an alleged crime.

**Conditional Discharge:** After being found guilty, the accused is discharged under certain conditions ordered by the judge. If the accused complies with the condition, he/she will not have a criminal record.

**Conditional Sentence:** Instead of serving time in jail, the guilty party is allowed to serve his period of incarceration in the community subject to very strict conditions. He is monitored closely by a probation officer and if he violates any of the conditions, he is immediately arrested and sent to jail to serve the balance of his sentence.

**Contempt of Court:** Interfering with the administration of justice or ignoring the rules of court.

**Court of First Instance:** The trial court where the evidence is first presented.

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**Victim Impact Statement:** A voluntary statement prepared by the victim on how the crime has affected their life physically, financially, emotionally and is presented to the judge before sentencing.

**Voir Dire:** A trial within a trial to determine the admissibility of certain evidence.

**Warrant:** Court order giving legal authority to arrest a person.

**Withdrawal:** When charges against the accused are withdrawn, no further legal action will be taken against the accused on that particular charge.

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# COURT TERMS

allegation, acquittal, charge, contempt, corroboration, election, plea bargaining, preliminary inquiry, recognizance, restitution, remand, victim impact statement, show cause hearing, subpoena, voir dire, withdrawal

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**Corroboration:** Evidence that supports or confirms other evidence or testimony.

**Cross-Examination:** Both the crown and defence counsels have the right to question a witness.

**Crown:** The people's or provincial representative at the trial.

**Defence:** The accused's lawyer.

**Docket Court:** Provincial court of first appearance in which trial dates are set.

**Election:** The procedure by which an accused chooses to be tried by judge and jury, by judge alone, or by a provincial judge.

**Election by the crown:** The crown may decide whether to prosecute a case as a summary conviction offence (less serious penalty), or as an indictable offence (more serious).

**Evidence:** Things that witnesses say in court and things such as photographs, clothing etc that are brought to court to show what happened.

**Examination in Chief:** The evidence of a witness given in court. During the examination in chief, a witness is asked questions by the lawyer who called the witness.

**Indictable Offence:** Serious offences resulting from a formal charge. May carry a penalty from a fine to life imprisonment.

**Intermittent Sentence:** Offenders spend either weekends of weekdays in prison, the rest of the week in the community under the supervision of probation officers.

**Interview:** Meeting with the police or crown prosecutor.

**Judicial Interim Release:** Court order granted by the judge or justice of the peace, releasing the accused from custody on his/her own promise to appear.

**Juror:** One of 12 people that sit on a jury.

**No Contact Order:** A court order preventing the accused from seeing or speaking to someone.

**No Publication Order:** A court order preventing the media from presenting certain information (often the identity of the victim) to the public.

**Objection:** Reason for the lawyer to interrupt a witness to talk to the judge.

**Plea:** The answer that the accused gives (guilty/not guilty) to the charge read to him at his first appearance.

**Plea Bargaining:** Process of the crown accepting the guilty plea on a lesser charge instead of the incurring expense and problems of a trial on the original charge.

**Preliminary Inquiry:** Court session held before a trial so that the judge may determine if there is sufficient evidence to justify holding a trial.

**Pre-sentence Report:** A description of the accused's family life and personal situation, prepared by a probation officer, which the judge uses to help decide on an appropriate sentence.

**Probation:** Court order which releases a convicted person under supervision and with direction to obey certain conditions.

**Recognizance:** A formal agreement made by somebody before a judge to do something, for example, to appear in court at a set date. An accused is released on his/her own recognizance when the judge or justice of the peace gives permission for the accused to be released on bail, subject to the conditions specified on the form.

**Remand:** To return a prisoner or accused person to custody.

**Reserve judgment:** A judge hearing a case may decide to take some time to do research, study the law or review evidence presented at the trial before making a decision.

**Restitution:** An act of repaying or compensating for loss, damage or injury.

**Sentence:** The punishment of the judge given to the accused found guilty of an offence.

**Show Cause Hearing:** A hearing where the crown attorney must convince the court that the accused should be held in custody until the trial.

**Statement:** A written, signed document that the witness gives to the police.

**Stay of Proceedings:** A suspension of court procedures on a particular charge.

**Subpoena:** An order directing a person to appear in court.

**Summary Conviction Offence:** Less serious offence usually carrying a penalty of no more than six months imprisonment, or a maximum fine of \$2,000 or both.

**Summons:** Legal document ordering an accused person to appear in court.

**Surety:** Person who agrees to be responsible for the accused's appearance on the trial date.

**Suspended Sentence:** Judge's order that the sentence given to a guilty person need not be imposed provided that the accused meets certain conditions set by the court. If the accused does not meet the conditions the judge can pass sentence on the original charge plus a new charge may be laid for breaking the suspended sentence.

**Testimony:** Any evidence given.

**Transcript:** A type-written record that is made by the court reporter of what is said in court.

**Trial:** A hearing that takes place when the accused pleads "not guilty" and witnesses are required to attend court to give evidence.