

- Defense needs time to review new disclosure
- Another case takes longer than planned so your case is bumped to another date
- Accused is found guilty but a Pre-sentence report** ordered

How can I help the process move more quickly?

If you or a family member is facing involvement with the courts there are a few things you can do to keep the process moving. Be sure

- Always read bail papers carefully before signing and verify any discrepancies immediately before leaving court
- Surety ensures all bail conditions are obeyed by accused.
- Be prepared for court and bring all papers required by the court
- Be informed about the court system
- Get a good lawyer and don't put off meetings with legal counsel.
- If you are unsure about something or about what to do, ask questions until you get an answer you understand.

** A Pre-sentence Report includes special circumstances or information about the accused that may impact the sentence (eg. the accused has a diagnosed mental illness) and is ordered by the Crown and prepared by probation.

**For more information on the justice system
visit the Ontario Justice Education Network at
www.OJEN.ca**

Rev June 6, 2017

This information provided by The Salvation Army is a simpl outline of legal information and process. It is not intended to give legal advice or substitute for legal counsel in any way.

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Giving Hope Today

Why Does Court Take So Long?

- What is the general process of court?
- What are some of the possible delays?

I've been arrested! Now what?

After being arrested criminal charges are laid by the police and the accused is given the right to speak to a lawyer. A photo & fingerprints are taken of the accused. The accused may be held at the police station overnight awaiting a Bail Hearing the next day, or they may be released on a "Promise to Appear" at a Bail Hearing. But what happens in each court and what delays the court process?

What Happens in Bail Court (408 or 412)

- Court 408: cases for Youth, Set Date and Bail/Domestic/Gladue. Domestic on Tuesdays and Gladue on Wednesdays and Fridays.
- Court 412: Adults from Police Divisions 41,42, and 43.
- Accused is released on their own undertaking (supervise themselves) with bail conditions and possible additional supervision of the Bail Program, OR released with conditions under the supervision of a surety (court approved family/friend who signs bail papers) OR accused is denied bail and held in custody awaiting the next court appearance
- Call to private lawyer or Duty Counsel for free legal advice

....and what delays Bail Court? (Court 408 or 412)

- There is no adequate surety available
- Crown objects to a release, so there must be a hearing and preparation is required by the defense.
- The court runs out of time to hear all the cases.
- If bail is granted release may take place any time up until 6 pm to ensure all paperwork is completed and the property of those in custody is returned.
- Sureties (family/friend providing bail) should always verify accuracy of bail papers before signing
- After bail is granted the release takes several hours waiting for signatures, review, and processing of bail papers. DNA test if ordered by the court, and return of property.

What Happens in Plea Court (Court 406)

- Accused enters a guilty plea and is sentenced or adjourned to have a Pre-Sentence Report** prepared and returned in approximately six weeks. *A Pre-sentence Report includes special circumstances or information about the accused that may impact the sentence (eg. the accused has a diagnosed mental illness). It is ordered by the Crown and prepared by probation.*
- An accused in the Mental Health Diversion program appears before a judge (generally monthly) until the Diversion program is completed.

....and what delays Plea Court? (Court 406)

- Accused is found guilty but the case is adjourned for sentencing waiting for a Pre-sentence Report* and/or Victim Impact Statement is completed.
- Defense counsel or accused are not present or not ready.
- Court documents are not ready.

What Happens in Set Date / 1st Appearance Court (Court 407/408)

- The name Set Date refers to having your next court date confirmed or "set" in court.
- The name "First Appearance" refers to the first court appearance to deal with the charges. The previous Bail Hearing only dealt with a release from custody and not the charges.
- People released on a "Promise to Appear" or on Bail have their next court appearance in Court 407 scheduled according to the surname:

- A date is set for Plea Court (for accused to offer a guilty plea)
- A date is set for Pre-trial or Trial (could be months away) or
- A date is set for a Preliminary Inquiry (could be months)
- Case rescheduled to a future court date to allow accused to find a lawyer, apply for Legal Aid, review Disclosure and consider legal options.

....and what delays Set Date/1st Appearance Court?

- Disclosure (*information about the charge against the accused*) and/or Screening Form (*noting the Crown's position on the charges*) is not ready so the case is rescheduled to a future court date. This form is needed before Legal Aid will accept an application or a lawyer will be able to complete work on the case. Full disclosure is a need for the accused to decide on their plea.
- Client requests adjournment to allow opportunity to contact Legal Aid or other legal counsel which may take several weeks
- Legal Aid requires more forms
- Lawyer or client waits to gather disclosure from the Case Management Crown Attorney
- Case delayed to a future date because new disclosure has come and defense lawyer needs time to review it
- Lawyer adjourns to have time to meet with client

What Happens in Trial Court

- A decision may be made at a Preliminary Inquiry of whether there is enough evidence to proceed to Superior Court.
- The trial is heard and accused is found not guilty, or found guilty and is sentenced or a Pre-sentence Report** is ordered.

....and what delays Pre-Trials?

- A Pre-trial is a meeting of the crown and accused, and may include defense counsel, to discuss issues of the case, such as the length of the trial, witnesses, issues to be argued, sentence proposed by the Crown on a guilty plea etc.) before a trial is held. These can be at the request of counsel or if a trial is scheduled for more than one day.
- Delays include the availability of the crown or defense counsel, disclosure delay and if accused has reviewed disclosure.

....and what delays Trial Courts?

- Not all persons who are needed are present in the court, so the matter is adjourned and rescheduled to a future date.