


**Information for
Self-represented Litigants
In
Provincial Court
Adult Criminal Court**

The banner features a blue background with white icons: a scale of justice, a person holding a gavel, and a group of people. The word "Introduction" is written in white, bold, sans-serif font in the center.

Introduction

This booklet outlines some basic information you must be aware of if you plead not guilty to an offence and are planning to represent yourself without a lawyer at your trial. It also provides some advice on how to find a lawyer.

This booklet does not take the place of legal advice. When lawyers offer legal advice, it is more than just statements of fact and legal information. Their special training and experience with trials makes them qualified to provide advice on your best options for your specific situation. No one else involved in the legal process besides lawyers can provide this kind of advice.

While everyone has the right to hire a lawyer, you also have a right to represent yourself. This booklet explains what happens during the criminal trial process. This information will help you prepare for your trial if you don't have a lawyer. If you choose to represent yourself, you are still subject to the law, including rules of procedure and the laws of evidence. The process can be complex and, if you are convicted of a criminal offence, the consequences can be serious.



How do you get a lawyer?

The best time to hire a lawyer is before the trial date is set. Lawyers usually have a lot of cases and need time to prepare for a trial. If your lawyer is not available on the day your matter is scheduled, he or she will also need time to ask to postpone the trial (an adjournment). If you don't have a lawyer on the day of trial, the Judge might not grant you an adjournment to get one, and you will be expected to represent yourself. Don't delay. If you think you need a lawyer you should contact one right away.

Look in the Yellow Pages under Lawyers for a lawyer who practices criminal law. Search the internet for web pages and online advertisements. Ask friends and family if they can recommend a lawyer. Call the Lawyer Referral service to set up appointments. If you cannot afford a lawyer, contact Legal Aid.

Lawyer Referral - 1-800-661-1095 (toll free)


When you call the toll-free number and say that you need to hire a criminal lawyer, you will get the name and number for up to three lawyers who practice in your area. You can then make appointments to talk to one, two, or all three of the lawyers. Make sure to mention you got their contact information from Lawyer Referral. The first half-hour of the conversation will be free. You can discuss your legal situation, explore your options, and discuss fees in order to decide if you wish to hire this lawyer.

Legal Aid Alberta - 1-866-845-3425 (toll free)

If you are unable to afford a lawyer, you may wish to contact Legal Aid Alberta to see if you qualify for a legal aid lawyer. You should find out from the Crown Prosecutor if the Crown will be asking for a jail sentence and advise Legal Aid of that. The Crown Prosecutor is the lawyer in charge of presenting the case against you – see “Contacts for Disclosure” at the end of this booklet.

If Legal Aid denies you a lawyer and you cannot afford one, the Judge may appoint one for you. This is only an option if your criminal charges are serious. Ask Legal Aid or see the information at: <http://www.legalaid.ab.ca/Rowbotham/Pages/>

See the end of this booklet for a list of Other Services that may be of assistance to you.



Preparing For Trial

Disclosure

When police investigate an offence, they gather information such as police reports, notes, and witness statements. It may include other physical things like photographs, objects (a weapon) or certificates (a document showing the results of breath or drug testing). The police provide this information to a Crown Prosecutor, who is the lawyer in charge of presenting the case against you. This information is called “disclosure” or “disclosure materials” and the Crown Prosecutor must provide a copy of this information to you. Contact the Crown Prosecutor as soon as possible to request this information. If you have been charged with a drug offence, you need to contact the Federal Crown Prosecutor Office for disclosure materials.

You should review all of the disclosure materials and bring them with you to trial.


See the end of this booklet for a list of Crown Prosecution offices and phone numbers.

Arranging for witnesses

If you believe that a person saw, heard or did something that would help the Judge decide that you are not guilty (the witness has relevant evidence to give), you may arrange for the witness to come to court to testify for you. It is your responsibility to make sure that the person comes to court for the trial.

If you are not sure that a witness will show up, go to the Court Clerk and ask for a subpoena (sub-pee-nah), which will order the witness to come to court. The Court Clerk will explain the process to you. You should allow at least three weeks for the subpoena to be served (delivered) and there will be a fee for serving the subpoena. If you do not subpoena a witness, and she or he does not come to court on the day of trial, you may be forced to go ahead with your trial without that witness. If you have any doubt, you should get a subpoena.

If any of your witnesses do not speak English, you may need to use the services of an interpreter. Ask the Court Clerks for information about court interpreters.



Preparing For Trial

Where will the trial be?

The documents telling you to appear in court (for example, appearance notice, recognizance, undertaking, or written notice for trial) will indicate the courthouse and the time of your trial.

Postponing the trial (Adjournment)

Sometimes a case has to be postponed (adjourned) after it has been scheduled for trial. Contact the Crown Prosecutor's office as soon as you know that you need an adjournment of the trial, asking for the case to be brought into court. You must ask the Judge, and offer a valid reason for the adjournment. Judges may allow or refuse an adjournment, but the case is more likely to be adjourned if you ask well before the scheduled day of the trial.

Changing your plea

If you decide you want to change your not guilty plea to a guilty plea, you may ask the Judge at your trial if you can change your plea to guilty. If you know before the trial date that you want to plead guilty, you should call the Crown Prosecutor as soon as possible. This allows the Crown Prosecutor to cancel the witnesses before the trial date.


Accessibility for persons with disabilities

If you or one of your witnesses are disabled or need special help, contact the courthouse to discuss your needs.

Trial in French

A person charged with a criminal offence whose language is French is entitled to a trial in French. Notify the court as soon as possible about your intention to have a trial in French.

For locations and contact information for Alberta Provincial Courts, call 310 0000 or go to <https://albertacourts.ca/provincial-court/locations-sittings>



Important Legal Terms

Presumption of innocence

You do not have to prove anything at trial. The law says that you are innocent until the Crown proves you are guilty. You have the “presumption of innocence.”

Burden of Proof

Before you can be found guilty (“be convicted”) of an offence, the Crown Prosecutor must prove beyond a reasonable doubt that you are guilty. This requirement is called the “Burden of Proof.”

Essential elements of the offence

When you are charged with an offence, the charge says (“alleges”) several important things called “essential elements of the offence.” The Crown must prove all of these essential elements. For example:

- a) the offence was committed;
- b) the identity of the victim, if the offence has a victim;
- c) the offence was intentional;
- d) you are the guilty party (also called identity); and
- e) for certain charges, the time, date and place of the offence.

The essential elements depend on the charge and the facts of your case. If you have any questions about the essential elements of the offence or what the Crown must prove in your case, ask the Judge.



Important Legal Terms

Right to Remain Silent

At one point in the trial, the Judge will ask you if you want to have anyone give information to the court (“testify”) or if you want to testify yourself. There is no legal requirement for you to do either of those things. You can just say that the Crown Prosecutor has not proven one or more of the essential elements of the offence beyond a reasonable doubt or that the evidence lead by the Crown Prosecutor provides you with a defence. The law refers to this as your “right to remain silent” or “your protection against self-incrimination.” If the Judge agrees with you, the charge(s) against you will be dismissed.

Evidence

Judges rely on a particular kind of information, called “evidence,” to decide if you are guilty or not guilty. Not everything that is said in a courtroom is evidence. Once a witness swears an oath (swears to tell the truth under their religious belief) or affirms (promises to tell the truth), what they say becomes evidence. The Clerk will make sure witnesses swear an oath or affirm.

Physical things (e.g. a photograph, breath test results) can also be evidence if you or the Crown Prosecutor ask to have it made an “exhibit.” The Judge will ask if both parties agree to the exhibit. If not, the Judge will decide whether the exhibit is “admissible” (whether it will be allowed into evidence).

You and the Crown Prosecutor have the right to object to questions or evidence on the ground that the evidence is inadmissible (not allowed). To make an objection you simply stand and, when asked, indicate that you have an objection and why. The Judge decides whether questions should be permitted or exhibits should be admitted as evidence according to laws of evidence. For example, if someone testifies that something happened because they were *told* it happened (but they didn’t see or hear it happen themselves), it is called hearsay, and you or the Crown Prosecutor can object. Hearsay is not usually allowed, although the Judge may allow it in some cases.




Important Legal Terms

Defences

A person may not be guilty of an offence because he or she has a defence. An example of a defence would be “self-defence.” If someone is charged with assault but made physical contact with the victim only because he or she was defending himself or herself, they may be found not guilty because they were acting in self-defence.

Usually, the accused does not have to prove that he or she has a defence. The Crown Prosecutor must prove beyond a reasonable doubt that the accused does not have any defence and the Judge will decide according to the evidence. There are some exceptions to this general rule, and sometimes the accused must prove a defence.



What happens at a trial?

What to Bring

You should bring your disclosure materials to trial. It is also helpful to bring paper and pen to make notes during the trial.

How to Act in the Courtroom

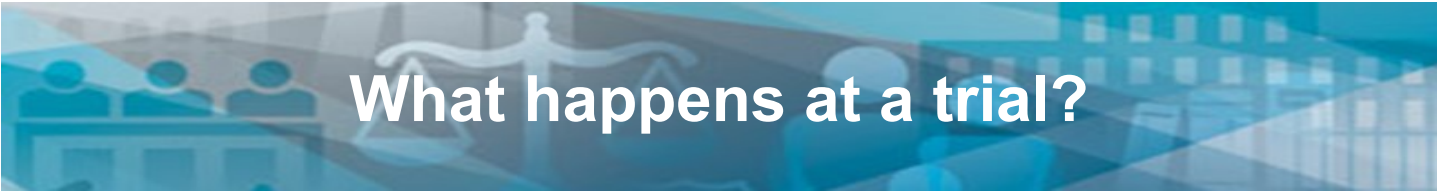
Trials are formal events. Dress in a way that shows respect for the Court and those involved in the trial. Take off your hat and turn off your cell phone before entering the courtroom. Do not chew gum, or bring food or drink into the courtroom. The Judge will make sure that everyone participating in the trial acts courteously. Listen for the Judge's instructions. Do not interrupt – only one person is allowed to speak at a time. When it is your turn to speak, stand and speak loudly so everyone can hear what you have to say. You will be referred to by your name (e.g. Ms. Smith), or as “the accused” (because you have been accused of an offence).

The Judge, the Crown Prosecutor and the Court Clerk

The Judge is independent and neutral, and has a duty to make sure the trial is conducted fairly. You call the Judge “Your Honour.” The Judge who will hear your trial doesn't normally know anything about you or your case. All he or she knows is that you are charged with an offence or offences. These offences (or “charges”) are printed on a document called an “Information” or, for traffic offences, a “Violation Ticket” (a copy of the Information(s) or Violation Ticket(s) will be in your disclosure materials).

The Crown Prosecutor presents the case against you. You can refer to them by their name (e.g. Mr. Smith). He or she cannot give you any legal advice or procedural tips. Their interest in the case is against yours, and for that reason, the law says that the Crown Prosecutor is in a conflict of interest with the accused person.

The person sitting right in front of the Judge is the Court Clerk. A Clerk cannot give you any legal advice, but may be able to explain the process. Their role is to help the Judge.



What happens at a trial?


The Trial

The Judge will ask you to come to the front of the courtroom and sit at one of the two tables. The Crown Prosecutor will be sitting at the other table. Once the Judge confirms that all parties are present and are ready to proceed, the trial will begin. If either you or the Crown Prosecutor have more than one witness (in addition to you), the Judge can make an order “excluding all witnesses.” This means that witnesses will sit outside the courtroom while other witnesses are testifying. This is to make sure that witnesses don’t change their testimony after hearing what other witnesses have to say. After the witnesses have testified, they may remain in the courtroom, or leave the courtroom and the courthouse if they wish.

The Crown Prosecutor will call witnesses first and ask them questions. This is called “direct examination.” The Crown Prosecutor must only ask “open-ended” or “non-leading” questions. An example of this type of question would be: “Mr. Smith, tell us what happened at Mr. Jones’ house on the evening of March 1st, 2014.” An “open-ended” question does not suggest the answer.

When the Crown Prosecutor has completed his direct examination of a witness, you will have a chance to question that witness. This is called “cross-examination.” Questions asked in cross-examination can be (and often are) “leading questions.” An example of a leading question would be: “Mr. Smith, isn’t it true that you were drunk on the evening of March 1, 2014?” A leading question suggests the answer.

Once the Crown Prosecutor has called all witnesses and entered all exhibits, they may say that the prosecution has “closed its case” (they are finished presenting their evidence). The Judge will ask you if you want to call any witnesses or testify yourself. Remember, you do not have to testify. If you decide to testify, you should tell the Judge everything you believe to be relevant to the case. The Judge may ask you some questions. The Crown Prosecutor will then cross-examine you. If you decide to testify and you have a criminal record, you could be questioned about it. If you do not testify, the Crown can only mention your record if the Judge finds you guilty. Once cross-examination is finished, you can leave the witness stand and return to the table. You can then call your witnesses if you have any and ask your questions. The Crown can also cross-examine them.



What happens at a trial?

Submissions

After all the evidence is presented, the Judge will give you and the Crown Prosecutor an opportunity to make “closing submissions” (final arguments) about why you should be found guilty or not guilty.

Judgment

The Judge will decide whether you are guilty or not guilty based upon all of the evidence, the submissions, and the law. Sometimes the Judge will adjourn (postpone) Court and give judgment on a later date. If you are found guilty of any offence(s), the trial Judge will decide what an appropriate penalty (or “sentence”) will be for the offence(s). If you are found not guilty, you are free to go.

Sentencing

If you are found guilty, the Judge may postpone the sentencing to gather more information. For example, a pre-sentence report may be ordered. If you have a criminal record, the Judge will review it at sentencing.

Before sentencing you, the Judge will ask you whether you have any comments to make. He or she will be interested in knowing your age, your occupation, what schooling or training you have, and whether you are married or have dependents. You are entitled to tell the Judge anything that might convince him or her that you should receive a lighter sentence.

What happens at a trial?

Sentences often include more than one Order, such as:

- Jail: If the Judge determines that a jail sentence is appropriate, you will be escorted to jail by a Sheriff. If the sentence is 90 days or less you can ask the Judge to consider an intermittent sentence (served on weekends).
- Probation.
- Fine: If a fine is imposed, the Judge will ask you how much time you would need to pay.
- Special orders such as Victim Surcharge Orders, Orders for DNA samples, driving prohibitions and weapons prohibitions.

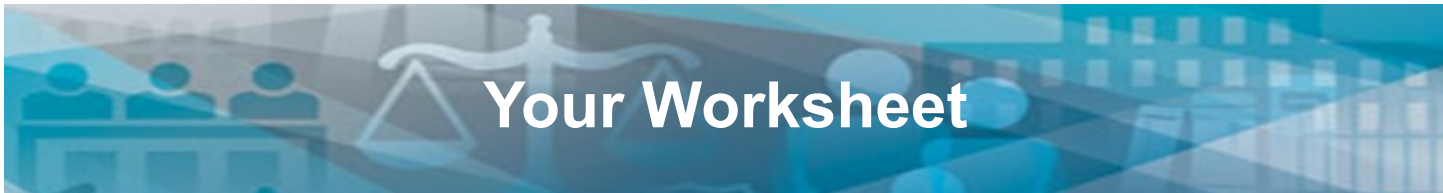
The Crown Prosecutor may ask for additional Orders, so pay attention to their comments. Before you leave the courthouse, get a copy of your Sentence Order(s) from the Clerk. If you have questions about the sentence, be sure to ask the Judge, or, if the proceedings in Court have concluded, ask the Court Clerk.

Victim impact statements

A victim has a right to present a victim impact statement during sentencing, which the Judge must also consider. This allows victims to participate in the proceedings by describing the impact of the crime on them and their families.

Appeal

You have the right to appeal a conviction or sentence or both within the time fixed by law.



Your Worksheet

This worksheet is one way to organize all of the evidence in preparation for your trial.

Charge (including Act and section number): _____

Elements of the Offence (what the Crown Prosecutor must prove):

Crown Prosecutor's evidence against you (from the disclosure materials):

Evidence

Supports proof of which element?

1. _____
2. _____
3. _____
4. _____
5. _____

Your evidence:

Evidence

Challenges proof of which element?

1. _____
2. _____
3. _____
4. _____
5. _____

Defence(s) (if any):



Other Services

LAW SOCIETY OF ALBERTA LAWYER REFERRAL

1-800-661-1095 (toll free)

When you call the toll-free number and say that you need to hire a criminal lawyer, they will give you the name and number for up to three lawyers who practice in your area. You can then make appointments to talk to one, two, or all three of the lawyers. Make sure to mention you got their contact information from Lawyer Referral. The first half-hour of the conversation will be free. You can discuss your legal situation, explore your options, and discuss fees in order to decide if you wish to hire this lawyer.

LEGAL AID

1-866-845-3425 (toll free)

If you are unable to afford a lawyer, you may wish to contact Legal Aid Alberta to see if you qualify for a legal aid lawyer. You should find out from the Crown Prosecutor if the Crown will be asking for a jail sentence and advise Legal Aid of that.

RESOLUTION SERVICES

www.rcas.alberta.ca

Resolution Services can help you get the information you need for civil and criminal matters. An information Coordinator will help you understand Alberta's court processes. You can access this service in-person or by telephone via the Resolution and Court Administration Services contact centre at 1-855-738-4747

DIAL-A-LAW

1-800-332-1091

Dial-a-Law is a service you phone to listen to pre-recorded tapes containing general legal information including information about criminal matters. Written copies of the tapes can also be mailed on request.

ALBERTA LAW LIBRARIES

www.lawlibrary.ab.ca

The staff at the courthouse libraries can help you find textbooks and court cases that may help explain the law and help you prepare your case.



Other Services

NATIVE COUNSELLING SERVICES OF ALBERTA

Edmonton 780-451-4002

Calgary 403-237-7850

Other locations: see Staff Directory at <http://www.ncsa.ca/>.

Native Counselling works to ensure that Native people receive fair and equitable treatment in the justice system. Their Native Courtworker Program provides Aboriginal people with information about court procedures, their rights and responsibilities under the law, and advocacy, support and referrals to Legal Aid and other resources. Court workers also may attend court with their clients.

STUDENT LEGAL SERVICES OF EDMONTON

780-492-2226

Student Legal Services of Edmonton can give legal information and may assist low-income people in Provincial Court with a number of criminal charges: breach of probation, certain driving offences, common assault, impaired driving and more. Their hours of operation change during the school term.

STUDENT LEGAL ASSISTANCE SOCIETY (CALGARY)

403-220-6637

Student Legal Assistance is an association of law students at the University of Calgary. They provide year round legal assistance and representation in Provincial Court to people charged with less serious criminal offences who are unable to afford legal services. If Student Legal Assistance agrees to help, you will be charged a \$30 fee.

CALGARY LEGAL GUIDANCE

403-234-9266

Calgary Legal Guidance is a non profit organization. Staff lawyers and law students help people who are charged with less serious offences. Staff accept or reject applications for assistance on a case-by-case basis.

ELIZABETH FRY SOCIETIES

Edmonton - 780-422-4775

Calgary - 403-294-0737

Elizabeth Fry societies work with, and on behalf of, women involved with the justice system, particularly women in conflict with the law. The Edmonton and Calgary Elizabeth Fry societies have court workers who provide information to both men and women on court procedure, plea options and directions. They also provide referrals to duty counsel and other community and legal resources.

Crown Prosecution Offices

Calgary Crown Prosecutors Office	
600 Centrium Place 332 – 6 Avenue, SW Calgary, AB T2P 0B2	Telephone: 403-297-8444 Fax: 403-297-4311 E-mail: calgaryprosecutions@gov.ab.ca
Edmonton Crown Prosecutors Office	
6th Floor, J.E. Brownlee Building 10365 – 97th Street Edmonton, AB T5J 3W7	Telephone: 780-422-1111 Fax: 780-422-9756 E-mail: edmontonprosecutions@gov.ab.ca
Regional Prosecutions Head Office	
Suite 1110, Oxford Tower 10235 – 101 Street, NW Edmonton, AB T5J 3E9	Telephone: 780-427-6156 Fax: 780-988-7637 E-mail: regionalprosecutions@gov.ab.ca
Calgary Rural and Regional Response Office (CARRRO)	
5th Floor, Centrium Place 332 – 6th Avenue, SW Calgary, AB T2P 0B2	Telephone: 403-297-8444 Fax: 403-592-4939 E-mail: regionalprosecutions@gov.ab.ca
Edmonton Rural and Regional Response Office (ERRRO)	
Suite 1110, Oxford Tower 10235 – 101 Street Edmonton, AB T5J 3E9	Telephone: 780-638-3352 Fax: 780-638-3371 E-mail: regionalprosecutions@gov.ab.ca
Fort McMurray Regional Crown Office	
9th Floor, Provincial Building 9915 Franklin Avenue Fort McMurray, AB T9H 2K4	Telephone: 780-743-7285 Fax: 780-791-6387 E-mail: regionalprosecutions@gov.ab.ca
Fort Saskatchewan Regional Crown Office	
Market Square Shopping Centre 104, Market Square Shopping Centre 10404 – 99th Avenue Fort Saskatchewan, AB T8L 3W2	Telephone: 780-998-1269 Fax: 780-998-9599 E-mail: regionalprosecutions@gov.ab.ca
Grande Prairie Regional Crown Office	
3601, Provincial Building 10320 - 99th Street Grande Prairie, AB T8V 6J4	Telephone: 780-538-5338 Fax: 780-538-5500 E-mail: JSG-ACPS.GrandePrairie@gov.ab.ca

Crown Prosecution Offices

Hinton Regional Crown Office	
2nd Floor, Mount Miette Building 201 Pembina Avenue Hinton, AB T7V 2B2	Telephone: 780-865-8285 Fax: 780-865-8328 E-mail: regionalprosecutions@gov.ab.ca
Lethbridge Regional Crown Office	
1100 Lethbridge Centre Tower 400 – 4th Avenue South Lethbridge, AB T1J 4E1	Telephone: 403-381-5211 Fax: 403-381-5760 E-mail: regionalprosecutions@gov.ab.ca
Medicine Hat Regional Crown Office	
301 Credit Union Building 556 – 4th Street, SE Medicine Hat, AB T1A 0K8	Telephone: 403-488-4556 Fax: 403-529-3121 E-mail: regionalprosecutions@gov.ab.ca
Peace River Regional Crown Office	
201 Provincial Building 9621 – 96 Avenue P.O. Box 6360 STN MAIN Peace River, AB T8S 1S3	Telephone: 780-624-6270 Fax: 780-624-6312 E-mail: regionalprosecutions@gov.ab.ca
Red Deer Regional Crown Office	
601 Provincial Building 4920 – 51st Street Red Deer, AB T4N 6K8	Telephone: 403-340-5190 Fax: 403-340-7193 E-mail: regionalprosecutions@gov.ab.ca
St.Paul Regional Crown Office	
4th Floor, Provincial Building 5025 – 49th Avenue PO Box 115 St. Paul, AB T0A 3A4	Telephone: 780-645-6381 Fax: 780-645-6363 E-mail: regionalprosecutions@gov.ab.ca
Wetaskiwin Regional Crown Office	
2nd Floor, Provincial Building 5201 – 50th Avenue Wetaskiwin, AB T9A 0S7	Telephone: 780-361-1206 Fax: 780-361-1468 E-mail: regionalprosecutions@gov.ab.ca

A blue banner with a background image of a person holding scales of justice, with silhouettes of people and buildings in the background.

Crown Prosecution Offices

FEDERAL CROWN PROSECUTOR (CONTROLLED DRUGS AND SUBSTANCES CHARGES)

Chief Federal Prosecutor

Public Prosecution Service of Canada
Alberta Regional Office (Edmonton)
700 EPCOR Tower 10423 – 101st Street
Edmonton, Alberta T5H 0E7
780-495-3553

Calgary (Local Office)

Public Prosecution Service of Canada
Calgary Local Office
606 - 4th Street SW, Suite 510
Calgary, Alberta T2P 1T1
403-299-3978

Please contact one of the above Regional Offices to find information about Federal Crown Prosecutors in your area.

