## The Criminal Court Process

A brief overview of what you need to know as a victim of a violent crime \*Based on Ontario court process, may not apply in other provinces and territories.



### WHAT HAPPENS FIRST?

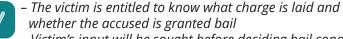
### After crime committed: charges not yet laid

Crime

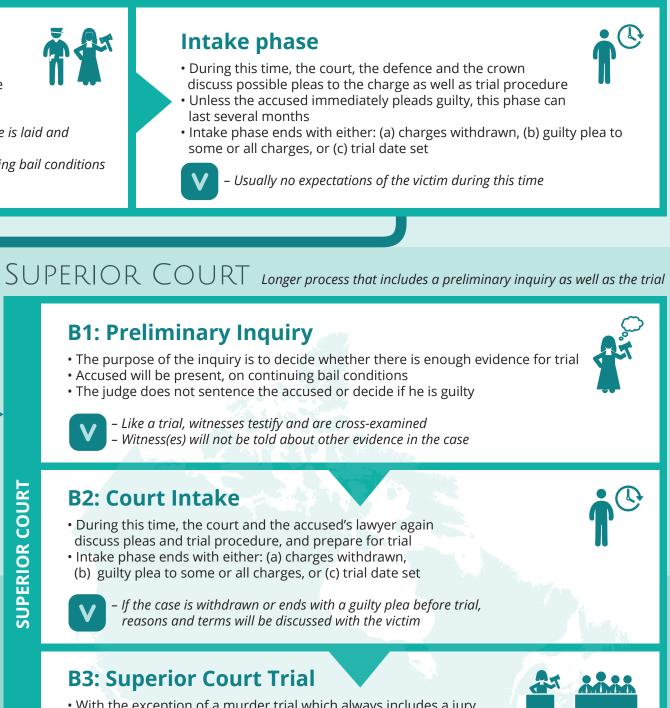
- The police conduct an investigation
  - The victim and witness(es) are interviewed
  - The victim is entitled to know when an arrest is made. To protect the integrity of the investigation, details may be confidential.
  - Police address any safety concerns

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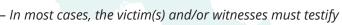
- Victim's input will be sought before deciding bail conditions



### PROVINCIAL COURT Normally less than 12 month period

### **A: Provincial Court Trial**

- Verdict decided by judge (no jury)
- Accused must be present at trial, on continuing bail conditions



- Victims must review their previous statements and tell the truth
- Vulnerable witnesses (i.e. children) can testify behind a screen
- Victims may only watch trial after testifying so their evidence is not influenced



*If the intake phase ends in trial* date, the case goes to court.

### Note

**Charges laid** 

• The police file charge(s) with the court

crown conducts a bail hearing

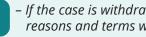
If the accused is not released immediately, the

Depending on the charges, the accused may be allowed to choose a Superior Court trial (in murder it is mandatory). Otherwise the trial will be in Provincial court.

### **B1: Preliminary Inquiry**



### **B2: Court Intake**



### **B3: Superior Court Trial**

• With the exception of a murder trial which always includes a jury, the accused can choose between judge alone or jury



SUPERIOR COURT

- In most cases, the victim(s) and/or witnesses must testify - The Crown will meet with the victim to help prepare for trial - Vulnerable witnesses (i.e. children) can testify behind a screen - Victims may choose to attend trial after testifying

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### Sentencing

- If found guilty: the case must have a sentencing hearing, during which sentence is decided (Either immediately, or scheduled to another day)
  - The victim is entitled to know what restitution is available - Victim may write an impact statement



### VICTIM JUSTICE NETWORK



## Réseau de la justice pour les victimes