

Before Trial

Criminal Process Overview

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If you are being investigated or charged with a crime you should speak to a lawyer and seek legal representation. Being convicted of a crime can have wide ranging impacts on your life and you could go to jail. For this reason, it is important that you get advice from a lawyer. This Guidebook provides an overview of the adult criminal court process, but does not cover every situation. For more detailed information see the **Criminal Law Guidebook – Preparing for Your Criminal Case**.

NOTE: This Guidebook does not provide legal advice and must not be used as a substitute for the advice that a lawyer may provide. This Guidebook provides general information to help people with criminal matters in the BC Supreme Court.



Learn More

[Stages in a Criminal Case](#), Provincial Court of BC

Courts & Criminal Law

Both the **Provincial Court** and **Supreme Court** have a role in the criminal justice system. However, most criminal cases start and end in Provincial Court. The table below shows how the criminal justice process is divided between the two courts:

Provincial Court	Supreme Court
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<ul style="list-style-type: none"> • Most bail hearings • Preliminary inquiries • Youth criminal trials • All summary offence trials • Most indictable offence trials (where the accused chooses a trial in Provincial Court) 	<ul style="list-style-type: none"> • Trial for indictable offences (where the adult accused chooses a trial in Supreme Court) • Jury trials • All adult murder trials (and other very serious crimes) • Some appeals from Provincial Court
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There are also a number of specialized courts within the Provincial Court criminal system designed to respond to the particular needs of specific communities. These courts include:

- Downtown Community Court,
- Domestic violence courts,
- Indigenous courts, and
- Drug Treatment Court.



Learn More

[Specialize courts](#), Provincial Court of British Columbia

Youth Criminal Justice System.

Youth criminal cases have different procedures and protections than adult cases. The Provincial Court hears virtually all criminal cases involving youth from ages 12 to 17, and that includes the charge of murder. Youth in Canada cannot be “tried as an adult”, but if they are found guilty of a very serious offence, the Crown could ask that they be *sentenced* as an adult. These guidebooks **do not** cover the process for youth criminal cases.

Learn More



[Youth justice in Canada](#), Government of BC

[YCJA.ca](#), Justice Education Society

People Involved

Accused persons are those who have been charged with a crime. In Canada, a person charged with a crime is considered innocent until proven guilty, which is why they are called the “accused”.

Crown Counsel are the lawyers responsible for laying charges and prosecuting criminal offences. They are sometimes referred to as “prosecutors” or simply “Crown”. While they are employed by the government, their role is to represent the public. They do not represent the government, police, or the victim of a crime. Their job is to ensure justice is done, not to get a guilty verdict.

Defence Counsel are lawyers who advise and represent accused persons. Their job is to ensure that the accused’s rights are protected and they get a fair process. They will negotiate with the Crown, question witnesses at trial, and argue in favour of the accused.

Duty Counsel are free defence lawyers who work out of the courthouse. They can help in bail hearings and brief appearances, but do not represent accused in trial.

The Judge makes sure the rules of court are followed and that the case is dealt with fairly. They have a number of responsibilities throughout the process including:

- Hearing bail hearings and deciding whether to release the accused,
- Deciding whether disputed evidence should be allowed into a trial,
- Deciding whether an accused is guilty or not guilty after trial (if there is no jury),
- Giving instructions to the jury (if there is one) and helping them understand the law, and
- Sentencing someone convicted of an offence.

In Provincial Court, you refer to the judge as “Your Honour”. In Supreme Court, you refer to the judge as “Justice” or “Madame/Mister Justice”.

The Jury is made up of members of the public and are charged with deciding whether an accused is guilty or not guilty after trial. Jury trials only happen in Supreme Court. People accused of indictable (more serious) offences usually get to choose whether they want a trial with a judge and jury, or judge alone.

Witnesses are very important to the criminal process. The judge or jury will decide whether to convict an accused based on the testimony of witnesses as well as other evidence. **Victims** of crime are particularly important witnesses at trial but also at sentencing. Victims can speak to the impact the crime had on them which can help a judge decide a proper sentence.

Justices of the Peace (JPs) and Judicial Case Managers (JCMs) are judicial officers who may preside over uncontested, non-adjudicative pre-trial hearings (such as **first appearances**). JCMs are responsible for managing case flow and trial scheduling. You can refer to JPs or JCMs as “Your Worship”.

Sheriffs provide security in courthouses, oversee the administration of the jury selection process, and transporting accused persons from correctional institutions to court.

Learn More



If you witnessed a crime, Government of BC

Victims of Crime, Government of Canada

Canadian Resource Centre for Victims of Crime

Get Help



VictimLinkBC is a toll-free, confidential, multilingual service available across B.C. and the Yukon 24 hours a day, 7 days a week and can be accessed by calling or texting 1-800-563-0808 or sending an email to VictimLinkBC@bc211.ca.

Legal Help

It's important to talk to a lawyer as soon as you have been arrested, found out you are being investigated or have been charged with a crime. Never plead guilty without talking to a lawyer first. You have the right to represent yourself and to

appear in court without a lawyer. However, if you can do so, it is highly advisable to get a lawyer.

Getting a lawyer

Any criminal charge is serious and could significantly impact your life. A lawyer can:

- Represent you throughout the criminal process including a bail hearing and trial,
- Explain the charges against you,
- Help you understand Crown's evidence,
- Provide you with legal options according to your situation,
- Discuss sentencing possibilities if you are found guilty, and
- Help you decide how you should proceed.

Legal Aid BC: If you do not have a lawyer because you cannot afford to pay for one, you can apply for a free lawyer through Legal Aid BC. Visit [Legal Aid BC](#) or call 604-408-2172 (for Vancouver) or 1-866-577-2525 (elsewhere in BC) to see if you qualify. Even if you do not qualify for full representation, you may still qualify for other legal help.

Aboriginal Legal Aid BC provides legal aid advice and representation specifically for Indigenous people and issues specifically affecting Indigenous people. Visit Aboriginal.legalaid.bc.ca for more information.

Access Pro Bono: If you are not eligible for government-funded legal aid, you may still qualify for free or low-cost assistance from Access Pro Bono. See [Access Probono](#) or call 1-877-762-6664 for more information.

Rowbotham Application

If you are denied a lawyer through Legal Aid BC, in certain circumstances, you may make an application to a judge to delay your case until the government agrees to provide a free lawyer through Legal Aid BC. This is called a "Rowbotham Application".

To qualify, you must show that you:

- Need a lawyer but cannot afford one
- Have been denied Legal Aid
- Face a serious criminal charge
- Face a complex criminal proceeding



Learn More

For more information on making a Rowbotham Application, please refer to the [How to Make a Rowbotham Application](#) handbook.

Representing yourself

If you are representing yourself, you should take the time to get as much information as you can so that you can represent yourself in the best way possible. In addition to this guide you should read:

[Representing Yourself in a Criminal Trial](#), Legal Aid BC

[Criminal Law Handbook for Self-Represented Accused](#), Canadian Judicial Council

Even if you are not eligible for free representation by a lawyer, you may be able to get **free legal advice services**, including through:

Duty Counsel: lawyers at the BC Provincial Court who provide advice about criminal charges, court procedures, and legal rights. For more information, click [here](#).

Brydges Line at 1-866-458-5500: a province-wide toll-free telephone service for people arrested, detained, and under investigation, available 24 hours a day, 7 days a week.

Advice counsel - Legal Aid BC at 1-888-595-5677: a province-wide toll-free telephone service with lawyers providing legal advice for someone who is in custody awaiting a bail hearing, available over the phone during the evenings and on weekends and holidays.

For information about the law, you can go to the library or look online. Here are some online resources to get you started:

- [Ask JES Legal Help Services](#)

- [Ask JES Multilingual Legal Help Services](#)
- [Clicklaw](#)
- [CanLII](#) (a free online source for accessing Canadian case law)
- [BC Supreme Court resources](#) for self-represented litigants
- [BC Courthouse Libraries](#)

You can also search for [Legal Aid BC](#) publications on specific offences. Here, you can find handbooks on representing yourself for certain crimes, including:

- Assault
- Breach of a court order
- Mischief
- Possession of an illegal drug
- Possession of property under \$5,000 obtained by crime
- Theft under \$5,000

Rights of the Accused

Criminal convictions are very serious as they could involve taking away someone's freedom. Even if someone is not sent to jail, the stigma of a criminal record can seriously affect their life. To try to ensure no one is convicted of crimes they did not commit, there are number of safeguards, including:.

The Presumption of Innocence: One of the most important principles under Canadian law is the principle of “presumption of innocence”. The principle is protected by the [**Charter of Rights and Freedoms**](#) and means that the accused is presumed innocent until proven guilty. It is why we refer to people who are charged with a crime as the “accused” and not the “criminal”. It is also why the Courts may release people before the trial (often called “bail”) on even serious charges.

Proof beyond a reasonable doubt:To overcome the presumption of innocence and find someone guilty of a crime, the judge or jury must find that the accused committed the crime "beyond a reasonable doubt". Beyond a reasonable doubt means the standard of proof is close to absolute certainty but does not mean it has to be 100% certain. It is a higher standard than in civil law

Burden of proof on the crown: The entire burden of proving that an accused is guilty is on the Crown Counsel. The accused does not have to prove they are innocent.

Right to know the evidence: The Crown must give the accused all information that is not clearly irrelevant, even (and especially) if the material may help the accused's case. This is so the accused can be fully aware of the case against them and are able to prepare. The accused does not have to give the Crown any information, with a few exceptions.

Right to remain silent: The accused has the right to remain silent throughout the whole criminal process, from investigation to trial. They do not have to testify at trial if they do not want to, but they may choose to. The judge or jury may not use the accused's silence against them when deciding whether to find them guilty or not.

Right to a lawyer: The accused has the right to a lawyer throughout the criminal process. If they cannot afford a lawyer they may qualify for a free lawyer through Legal Aid. They also have the right to represent themselves.

Right to understand: Accused in Canada can choose to have their trial in French or English. If the accused or a witness does not speak French or English, or is deaf, they must have an interpreter.

The rights of the accused are protected throughout the criminal process by the **Charter of Rights and Freedoms**.



Learn More

[Guide to the Canadian Charter of Rights and Freedoms](#)

Are You Indigenous?

If you are Indigenous, you have specific rights under the Criminal Code of Canada called "Gladue rights." The judge and Crown counsel must consider your Gladue rights when you are asking for bail and, if you are found guilty, when a judge is considering your sentence. Gladue rights apply to *all* Indigenous peoples: status

and non-status Indians, First Nations, Métis, and Inuit. They also apply whether you live on or off reserve.

If you want Gladue applied to your case, you must tell the court that you are Indigenous as soon as possible. The judge will want to know about yourself, your family, and your community. You can provide this information to the court by yourself or through a “Gladue report.” A Gladue report provides comprehensive information about you, your background, your community, and the unique systemic factors that may have played a role in bringing you before the court. A Gladue report will suggest realistic and appropriate options for the judge to consider. If you self-identify as First Nations, Metis, or Inuit the **BC First Nations Justice Council** may be able to provide a trained writer to write your Gladue report for free. The judge must consider your Gladue rights even if you do not have a lawyer or cannot get a Gladue report.

Learn More



You can find more information on this website: aboriginal.legalaid.bc.ca and by reading **Gladue and You** and the **Gladue Submission Guide**.

Get Help



You can also get support from the **Native Courtworkers and Counselling Association of BC** by calling 1-877-811-1190.

The **BC First Nations Justice Council** prepares Gladue reports for bail, sentencing, appeals, long-term offender hearings, dangerous offender hearings and parole hearings.

Indigenous Justice Centres in British Columbia provide culturally-appropriate information, advice, support, and representation for Indigenous people.

Investigation & Arrest

Police investigations usually start when a possible crime is reported to the police. The police will gather evidence, record witness statements, and report their own observations.

If the police suspect you of a crime, they may get a warrant to arrest you. They may arrest you without a warrant under certain circumstances such as if they see you committing a crime. If you are arrested, the police will read certain rights that you are entitled to, including your right to silence and your right to speak to a lawyer.



Learn More

To learn more about your rights when interacting with the police, see [**The Arrest Handbook**](#), BC Civil Liberties Association

If you are being investigated or arrested, you should speak to a lawyer as soon as possible. You can call [**Legal Aid BC**](#) to find out if you qualify for a free lawyer (see “[**Legal Help**](#)” section). Legal Aid BC can also give you free legal information. If you do not qualify for a lawyer, you might be able to get free legal advice. The person you speak to on the phone will let you know your options.

Referral to Court

If the police do not release you after arrest, they must bring you in front of a judge within 24 hours of your arrest for a bail hearing. See [**Bail Hearing**](#) to learn more.

In less serious cases, the police may release you right away or soon after the arrest. In these cases, they will usually give you a document telling you to go to court on a certain date. You may receive an *appearance notice*, a *promise to appear*, a *summons*, *recognizance*, or a government document called an *Information*. No matter which document you have, it will tell you:

- What crime you’ve been accused of, and
- The *date, time, and place* of your first court appearance.

For minor offences, you may not be arrested at all, but receive a promise to appear in court in the mail. However you get it, if you get such a document, it is important

you attend court on that date or you could risk having a warrant put out for your arrest and further criminal charges. See **First Appearance** to learn what will happen when you go to court.

Charge Approval

In British Columbia, the police investigate crimes, but it is the Crown Counsel who approves charges. The police will send the results of their investigation to Crown Counsel and suggest what charges should be laid. The Crown lawyers will determine whether:

- There is strong enough evidence to meet the charge approval standard, and
- Whether it is in the public interest to lay charges.

Types of Charges

Crimes (or “offences”) are actions or omissions that break the law and cause harm to the society. For an act to be treated as a crime in Canada, it must be recorded in a statute. Most crimes are recorded in the **Criminal Code** but other acts list crimes as well.



Learn More

What is a crime? BC Government

While there are hundreds of crimes, they can be broken down into two categories: **summary** and **indictable** offences.

The type of offence you are charged with will determine the type of court process that applies to your case. It will also determine any maximum or minimum punishments you might receive if you are convicted.

Generally summary offences are less serious and indictable crimes are more serious.

	Summary	Indictable
Seriousness	Less serious, petty crime	More serious
Example	Theft under \$5,000	Aggravated assault
Court Appearance	Accused does not need to make court appearances if they have a lawyer or agent to make them on their behalf	Accused must make all court appearances personally, even if represented by a lawyer
Trial Court	Trial must be in Provincial Court	Accused can usually* choose Provincial or Supreme Court with judge and jury or judge alone. *The most serious offences must be heard in Supreme Court.
Potential sentences	Usually, maximum sentence of \$5,000 fine or 6 months in jail	Wide range of sentencing options up to life in prison

Most crimes are **hybrid** offences, meaning the Crown gets to elect (choose) whether to treat the offence as summary or as an indictable, depending on how serious the circumstances are. For example:

Assault

s.266 Every one who commits an assault is guilty of:

(a) an indictable offence and is liable to imprisonment for a term not exceeding five years;

or

(b) an offence punishable on summary conviction.



Learn More

[If you are accused of a crime](#), BC Government

Bail Hearing

If you are arrested and not released by the police, they must bring you in front of a judge or judicial justice within 24 hours of your arrest for a bail hearing (also referred to as “judicial interim release”). If you need more time to prepare, or if your bail hearing is particularly complicated, your hearing may be set to a later date. Usually bail hearings happen in Provincial Court. However, in limited circumstances, such as for a charge of murder, the bail application will be made in the BC Supreme Court.

A bail hearing is where a judge decides whether to:

1. Release an arrested person and under what conditions, or
2. Keep them in custody until the trial date.

It is very important to talk to a lawyer before the hearing. If you do not have a lawyer, a free lawyer (duty counsel) will be on hand to give you advice, negotiate with Crown counsel, and represent you in the bail hearing.

You are entitled to the presumption of innocence. The judge will only decide to keep you in custody or impose a condition upon release if the Crown shows that it is necessary:

1. **To make sure you attend court:** the judge will consider your criminal record, any history of failing to appear in court, and connections to the community.
2. **To protect the public:** the judge will consider if you have a record of violence or failing to follow court orders.
3. **To maintain confidence in the administration of justice:** Usually only for serious cases. The judge will consider the seriousness and circumstances of the offence, the strength of the Crown’s case, and the potential sentence.

For certain offences, *you* are responsible for demonstrating why you should be released (this is called a “reverse onus” situation).



Read the Rules

For a list of reverse onus offences see [s.515\(6\)](#) of the *Criminal Code of Canada*

If you are not ready to proceed, you can ask for your bail hearing to be adjourned (meaning rescheduled) to another date.



Get Help

If you have been charged with murder or other serious offences listed in [section 469 of the Criminal Code](#), there are different procedures in place for obtaining bail and you should consult a lawyer.



Learn More

[Information Sheet, Bail \(Conditional Release\)](#), BC Prosecution Service

Sureties

A surety is a person who agrees to make sure an accused follows their bail conditions. They may agree to give up money or an interest in property if you fail to follow your conditions. If they think you will not follow your conditions they may report you to the court and your bail will be revoked



Learn More

[Bail and Surety](#), Province of British Columbia

How to Prepare for a Bail Hearing

Remember: A bail hearing is an *extremely important* hearing. If you are denied bail you will be in jail until trial or until your bail is **reviewed** (see below). If you are released, the types of conditions you are released with can severely impact your life. If you do not follow your conditions you could be charged with another offence or have your bail revoked and be taken into jail. This is why it is very important to prepare for your bail hearing. At bail hearings, the Court typically is interested in understanding your personal circumstances. For that reason, evidence typically presented by the accused includes:

- a. Where you will be living;
- b. Who you will be living with;
- c. What you will be doing if you are released from custody (work, school, etc.);
- d. If there is anyone willing to vouch (be a surety) for you;
- e. Your willingness to obey conditions of your release; and
- f. If you or another person can deposit money with the court as a guarantee of you accepting the conditions of your release

To prepare:

Talk to a lawyer: You can contact your own defense counsel or talk to duty counsel. A lawyer will help you come up with a plan to give you the best chance of being released on bail. A lawyer will interview you and present your personal circumstances to the judge.



Get Help

See **Get Help** for options of getting legal help.

Find out Crown's position: The Crown may want to hold you in custody until trial or they may be willing to release you under certain conditions. If you agree to these conditions you may be "consent released" and not have to go through a full hearing.

If they want to detain you or you do not agree with the conditions they want, it is important to find out why. You will have the opportunity to show why the Crown's concerns are unfounded or can be relieved with certain conditions to your release.

Make a plan: While it is usually up to the Crown lawyer to convince the judge why you should be detained, it is usually helpful to provide information or a plan to convince the judge that detention or restrictive conditions are unnecessary. If the risk of being detained is high, it may be worth delaying your bail hearing to come up with a stronger release plan, get witnesses, find a surety etc.

If you are granted bail

If the court grants bail, you will be released from custody. The court will impose one or more bail conditions (rules) that you must follow.

Common conditions include:

- Reporting to a bail supervisor
- Not contacting the victim
- Attending a treatment program, or
- Following a curfew.



Learn More

[Bail \(Conditional Release\)](#), BC Prosecution Service

It is very important to follow your bail conditions. If you do not follow your bail condition, you could be charged with a separate offence called a “breach”. If you are worried you will not be able to follow your conditions you should talk to a lawyer, bail supervisor or Crown about changing your conditions.

If you commit a breach or a new indictable offence while on bail, the Crown may revoke your bail and you will have a new bail hearing and you will be in a reverse onus position where you will have to show the judge why you should be released.

Bail Review

If the court denies bail, you will remain in custody (sometimes referred to as “remand”) until your trial. However, you can ask for a review of this decision in the BC Supreme Court. To ask for a review, you must fill out a bail review application, and arrange to deliver (“serve”) it to the Crown and file it with the BC Supreme Court.

To be successful you must show that:

- The judge who made the order made an error, and that error affected the outcome,
- The circumstances have changed so that if the order was made today it would have been different, or
- It would be unjust not to order a release.

Documents required:

- Notice of Application (**Form 1**)
- Affidavit(s) in support
- Transcript of Provincial Court hearing

You will have to pay for the transcript which can be expensive. The review will be based on the transcript. You and the Crown can also present further evidence through affidavits or witnesses. The judge will either dismiss your application and keep the order the same or make changes.

If you are in jail for longer than 90 days you may be entitled to have your bail automatically reviewed. It is best to talk to a lawyer about your bail review options.



Find the Form

Form 1, Notice of Application (Criminal)

First Appearance

The first appearance is usually a brief administrative appearance in Provincial Court. It is usually in front of a justice of the peace or judicial case manager, and not a judge. The first appearance is not a trial and you do not have to present evidence.

The following is what you can expect to happen at your first appearance:

- You find the right room

- You check in, usually by letting the sheriff or Crown Counsel know you are there. **If you do not let the court know you are there, they may think you failed to show up and issue a warrant for your arrest.**
- The Crown will call your name and ask you to come forward
- The **Justice of the Peace** will read the charges laid against you and ask if you understand them.
- The Crown will give you a package of documents called the disclosure or particulars. If they do not, ask the Crown for disclosure.
- The Justice of the Peace will ask if you plan on hiring a lawyer and if you need more time to do so.

Usually, you need time to review disclosure, find a lawyer, and to decide as to how you want to plead. Sometimes, the Crown needs more time to provide you with more disclosure. Your case may be **adjourned** a few weeks to allow you and the Crown more time.

Disclosure

After you are charged with an offence, the Crown has a duty to provide you with “disclosure” sometimes called the “particulars”. Disclosure means that the Crown must give you copies of all information and documents that are related to your case, including the charge and the Crown’s evidence against you. Disclosure will usually include:

- Information (an official court form which lists the offences)
- Initial sentencing position (sentence the Crown will ask for if you are convicted)
- Police reports, narrative, and notes
- Witness statements
- Transcripts, video, or copies of statements you made to police (if any)
- Photographs or copies of evidence
- Other relevant material.

Read the documents and check if you think they are complete or if you think that something is missing. You can request specific things if you think they should have been disclosed. The Crown may only withhold information from you if it is clearly irrelevant to your case or privileged.

It is best to have a defence counsel review your disclosure. They can tell you if something is missing and explain the evidence against you.

Pleading Guilty

A guilty plea means that you accept responsibility for the offence that you have pleaded to. If you enter a guilty plea you will be sentenced by a judge.

Never plead guilty without reviewing the disclosure, getting legal advice and knowing what the Crown's sentencing position is first. Never plead guilty just because the process seems like a hassle and you want to get it over with. There are serious consequences when you are convicted of a crime.

If you plead "not guilty", you can change your plea at any time up until a judge's decision at trial. However, once you plead guilty it may be difficult to change your plea. You can ask to withdraw your guilty plea if you have not yet been sentenced, but the judge may refuse your request. Do not make the decision lightly.

See [Legal Help](#) to learn what legal counsel can do for you.

If you decide to plead guilty your case will be scheduled for sentencing. A sentencing judge *may* take into consideration an early guilty plea as a mitigating factor (a potential reason to give a lighter sentence) at sentencing, but they may not. If the judge sees your guilty plea as you taking responsibility, sparing the victims the pain of going through a lengthy court process, and sparing the justice system the expense of a full trial, they may take it into consideration when they decide on a sentence.

See [Sentencing](#) for more information.

Pleading Not Guilty

If you plead "not guilty" your matter will be arraigned and set for trial.

You will usually enter your plea at the [Arraignment Hearing](#).

Alternative Measures

In some cases, the police or Crown Counsel may refer someone suspected or accused of a crime to alternative measures, diversion, or restorative justice. These

programs allow the accused to take responsibility and make amends to the community without getting a criminal record. This is usually a program for people with no criminal record, charged with minor offences, and who are willing to take responsibility. It often involves making an apology or doing community service to make up for the harm caused by the offence. You can also ask Crown Counsel to consider alternative measures.



Learn More

[I've been accused of a criminal offence and have been offered "diversion", "restorative justice", or "alternative measures"](#), Clicklaw

Arraignment Hearing

The arraignment hearing will likely be handed by a **judicial case manager**. This is usually where you enter a plea. If you plead guilty your matter will be set for sentencing. If you plead not guilty, the arraignment hearing will be used to organize some of the logistics for your trial.

What happens at an arraignment hearing depends on the type of offence that you are charged with.

Crown election

If the offence you are charged with is a hybrid offence, the Crown will declare at the arraignment hearing whether they are proceeding summarily or by indictment. See **Investigation and Charges** for more information.

Court election

Summary offences: If you are charged with a summary offence or the Crown proceeds summarily, your trial will take place in Provincial Court. You do not have a choice.

indictable offences: Except for certain offences such as murder, if you are charged with an indictable offence or the Crown proceeds by indictment, you will have 3 options:

1. Trial in Provincial Court in front of a judge alone
2. Trial in Supreme Court in front of a judge alone
3. Trial in Supreme Court in front of a judge and jury

For charges like murder, there is no choice, the trial must be held in Supreme Court.

If your matter is set for a Supreme Court trial, you will also have the option of scheduling a preliminary inquiry if the offence you are charged with is punishable by at least 14 years or more in prison. If you choose a jury trial, there will be a jury selection before the trial starts. See the [Jury Duty](#) guidebook for more information on how juries are selected.

If you are not sure what type of trial you should pick or if you should ask for a preliminary inquiry, you should get legal advice.

Other matters

Other things that will be discussed are:

- Whether the Crown prosecutor has made full disclosure
- The number of police, expert, and other witnesses that the Crown prosecutor intends to call if your case goes to trial
- How much time the Crown prosecutor will need to present their case
- Whether an interpreter is required
- Whether you want to enter a guilty plea, a not guilty plea, or adjourn for more time to decide. See [Pleading Guilty or Not Guilty](#).

Preliminary Inquiry

Preliminary inquiries are set before Supreme Court trials. They take place in Provincial Court. The purpose of a preliminary inquiry is for the court to decide if there is enough evidence to have a trial. The Crown presents their evidence and witnesses. Defence counsel (or the accused if self-represented) get to cross examine the witnesses. At the end of a preliminary inquiry, a Provincial Court judge does not decide on guilt or innocence, but only whether there is enough evidence to continue to a full trial. They must determine if a reasonable jury, properly instructed, could convict on the evidence provided in the preliminary hearing. If the

judge decides there is not enough evidence, they will discharge the accused. If the judge decides there is enough evidence, the process moves to Supreme Court for trial.



Learn More

[Preliminary inquiry](#), Provincial Court of BC