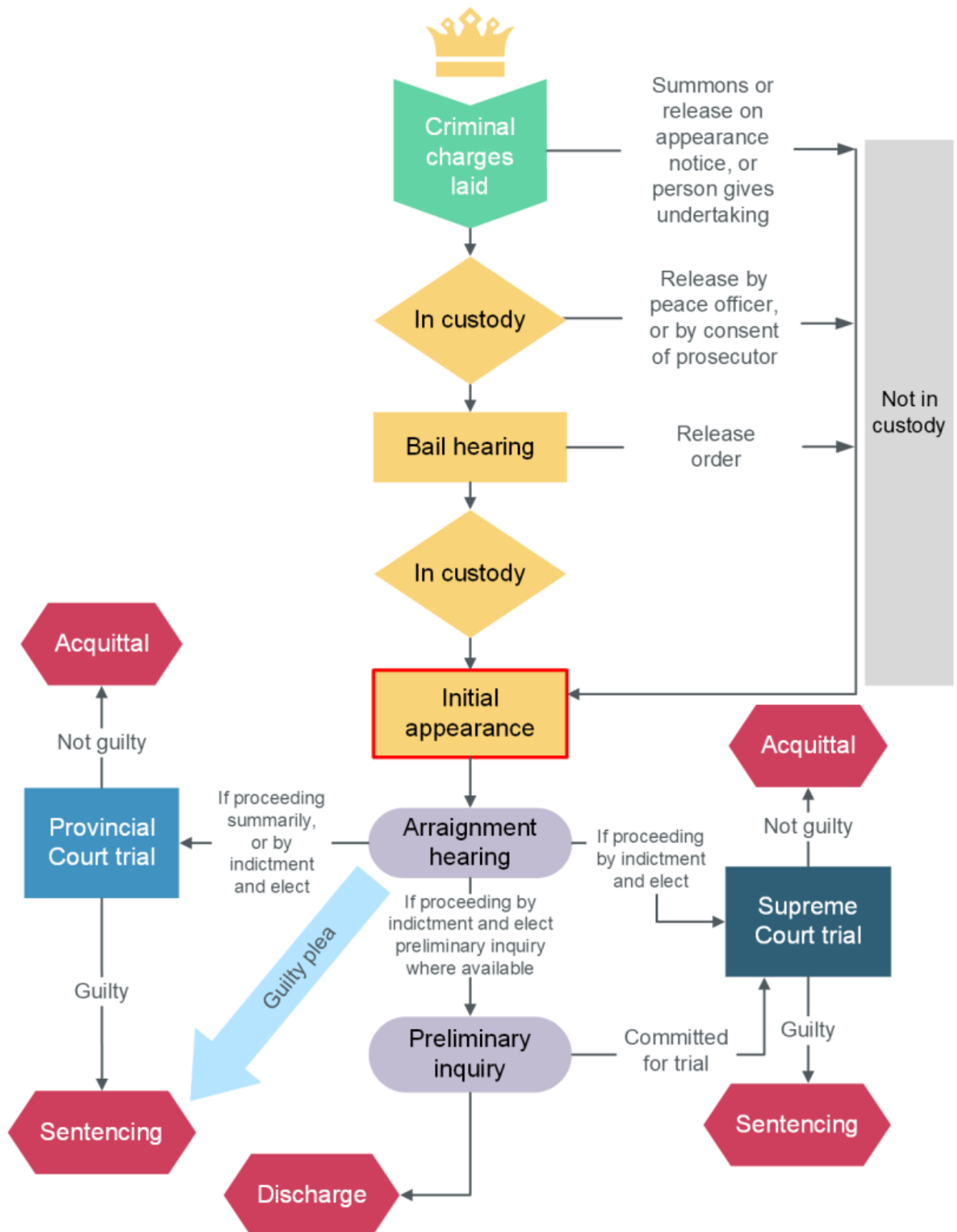




## Provincial Court of British Columbia

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An initial appearance can also be called a first appearance.



# **Different ways that people charged with crimes are brought to court**

Almost everyone charged with a crime must go to Provincial Court.

If you are charged with an offence, a police officer can release you but you may be required to attend court by a summons, appearance notice or undertaking. These are documents that require you to attend court at a certain time and place. There can be conditions such as rules for your behaviour or requiring you to go to the police station to be photographed and fingerprinted.

It is very important that you keep track of required court appearances and go to court on time. A warrant can be issued for your arrest if you:

- Miss a court appearance
- Do not go to the police station to be fingerprinted and photographed when required
- Disobey the rules imposed by a judge, judicial justice or police

Failing to attend court as ordered is a criminal offence for which you can be imprisoned. So is failing to attend for fingerprints and photographs.

If you are arrested and held in jail (in custody), the sheriffs bring you to court. If you are released at a bail hearing, you will be given a date to attend court for your initial appearance.

## **What happens at an initial appearance**

The initial appearance is usually a brief appearance in Provincial Court. It is not a trial and you do not present evidence.

An initial appearance will usually be before a judicial case manager or a judge who will tell you what you are charged with. They will also read the "information" out loud if you wish. The "information" is the document that lists the charges against you. If you do not understand what you are charged with, tell the justice and it will be explained to you.

Crown counsel will give you a package of documents called the disclosure or particulars. These documents are about the evidence in your case. Crown counsel should also tell you the

sentence they would suggest to the judge if you were to plead guilty.

If you have a lawyer, they will talk to the Crown counsel for you. If you do not have a lawyer, you may speak to the Crown counsel about your case, or the Crown counsel may ask the duty counsel provided by Legal Aid to help you.

The justice will also ask you if you are ready to enter a plea of guilty or not guilty. However, you do not have to plead guilty or not guilty at the initial appearance. Often, you need time to review the disclosure, find a lawyer, and decide whether to plead guilty or not guilty. Sometimes Crown counsel needs more time to give you more information (disclosure).

If you or Crown counsel needs more time, the justice will usually put the case off to another day (“grant an adjournment”). You may need more than one appearance to get legal advice and decide on your plea.

[Charges and types of offences](#)

## **Getting legal advice**

If you can talk to a lawyer before your first appearance, it can reduce the number of times you have to attend court.

If you have not already contacted a lawyer before your initial appearance, there will likely be a duty counsel you can consult for free on the day of your initial appearance.

It is important to talk to a lawyer before you enter a plea of guilty or not guilty. In many cases, especially with complex and more serious charges, it is wise to have a lawyer handle your case in court. If you want a lawyer to help, but cannot afford to hire one privately, you may apply for Legal Aid. Whether or not you get Legal Aid depends on your financial status and the type of charge. If you qualify for Legal Aid, a lawyer will be assigned to your case.

[Finding a lawyer or getting legal advice](#)

## **Finding a lawyer or getting legal advice**

Information about getting a lawyer and how to get legal advice and legal assistance.



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