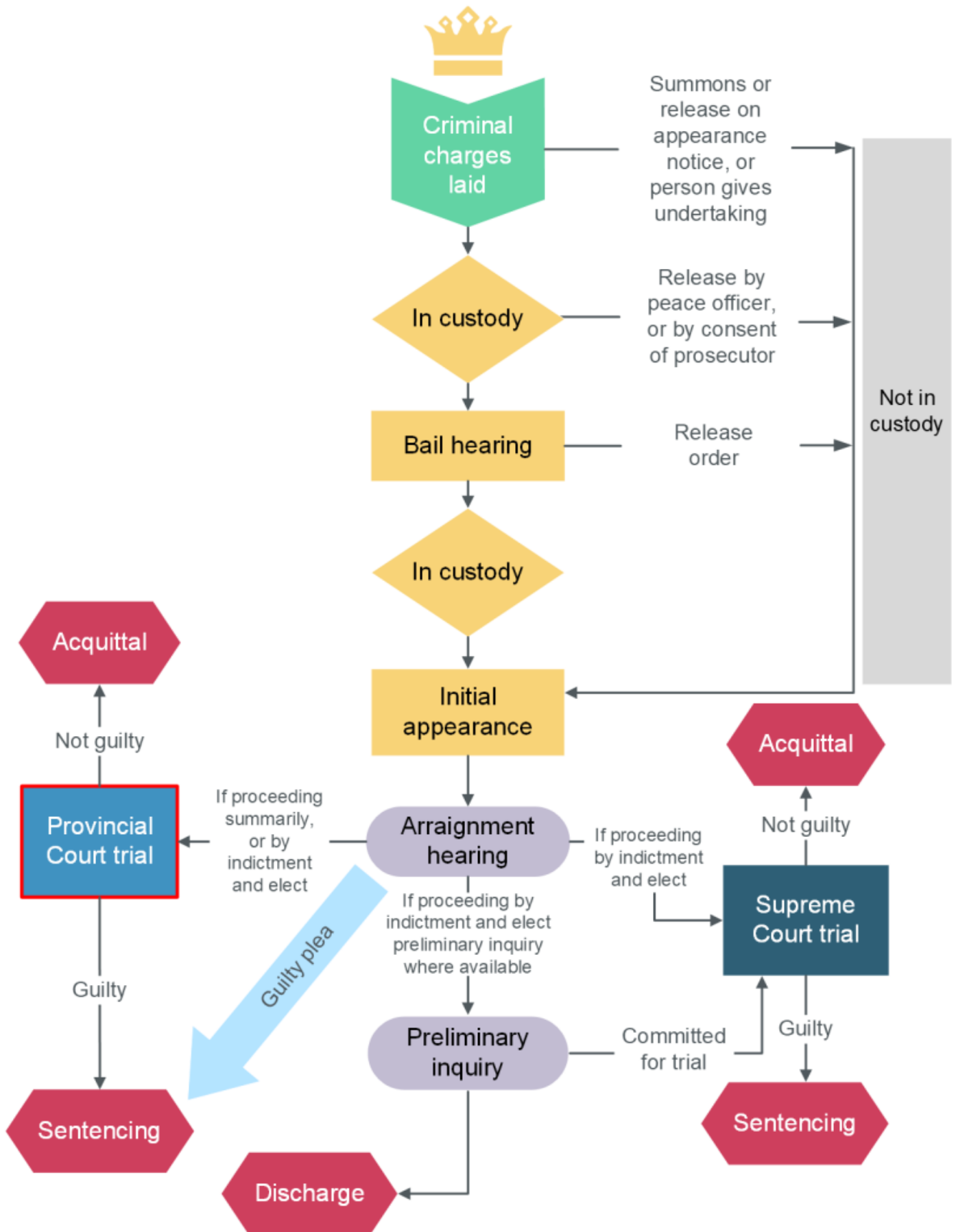




Provincial Court
of British Columbia



Preparing for trial

You should start preparing for your trial soon after you are charged.

You may wish to have witnesses testify for you. If you do, you must make sure that the witnesses come to court on the day of the trial. You can ask the witnesses to come to court, or get a subpoena from a justice of the peace at the court registry. A subpoena is a court order requiring a witness who has relevant evidence to come to court. If you have a lawyer, your lawyer will take care of interviewing and subpoenaing your witnesses.

Presumption of innocence

Crown counsel is required to prove a criminal charge "beyond a reasonable doubt".

You do not have to prove that you are innocent. You do not have to testify, call any witnesses, or offer any evidence at all at your trial. However, you may decide that it is in your interest to do so, especially if Crown counsel appears to have a strong case against you. If you have a lawyer, they will advise you, but it is up to you to decide.

Evidence in a trial

The evidence in the trial consists of the witnesses' testimony and any photographs, documents or other physical items of evidence adequately identified by a witness and ruled admissible by the judge.

[Evidence and oaths](#)

Trial procedure

At your trial, Crown counsel will call witnesses to testify and say what they know about the case. A witness must swear an oath or make an affirmation promising to tell the truth before testifying. When children testify they simply promise to tell the truth.

Crown counsel questions each Crown witness first. Then you, or your lawyer if you have one, may question the Crown witness. This is called cross examination.

After all Crown witnesses have given their testimony and have been cross-examined, you may choose to testify. If you testify, Crown counsel may cross-examine you. You can also present and question defence witnesses, and Crown counsel can cross-examine those witnesses.

After all the evidence has been introduced, both Crown and defence sum up their positions in closing arguments.

You can only be found guilty (convicted) of an offence if the evidence in the trial proves your guilt beyond a reasonable doubt. The judge is responsible for deciding whether the evidence meets that test, ensuring that the trial is fair and ensuring that your rights are protected. If the evidence does not prove you are guilty, you will be acquitted (found not guilty) and the charge will be dismissed.

If you are found guilty or plead guilty to a crime, you will receive a sentence.

Appeal

If you or Crown counsel believes the judge has made an error, either side may file an appeal within 30 days of acquittal or 30 days of the date a sentence is imposed.

Appeals for summary offences occur at the BC Supreme Court. Appeals for indictable offences occur at the BC Court of Appeal.

[Appeals and judicial reviews](#)

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