
Criminal

Overview

Criminal law deals with the rights and responsibilities of people involved in the criminal justice system, including a person accused of a crime, a witness to or victim of crime.

Criminal law includes:

- Criminal offences (summary and indictable)
- Being a witness
- Jury Duty
- Criminal Court process
- Sentencing, Prison law
- Criminal records and records suspensions.

Objectives

To understand the basics of criminal law, quasi-criminal offences, and the main referral resources for criminal law.

Agenda

Welcome and group discussion, questions on previous topics.

Presentation on: Criminal Law

- Overview of main referral resources for criminal law
- Basics of the criminal court process, specialty courts
- After court.

Activities: How would you answer?

Together or individually, research the questions below and explain your answer.

1. Can I smoke cannabis in my car?
2. Will I lose my license for speeding 16-30 km/hour over the limit? What is the fine?
3. How do I get disclosure?
4. Can I drop the charges?

Summary Offence Tickets

Criminal offences

Key Resources

- Powerpoint presentation on criminal law
- [Charterpedia](#)
- Courts.ns.ca - Provincial Court Rules, Supreme Court, jury duty, specialty courts, etc.
- nslegalaid.ca
- **Ombudsman for Victims of Crime (Canada)**
victimsfirst.gc.ca
- **Parole Board of Canada**
Record suspensions (pardons), parole hearings [canada.ca]
- **Public Prosecution Service** novascotia.ca/pps/ and ppsc-sppc.gc.ca/eng/index.html
- **Sexual Violence**
Information, resources, support, training
breakthesilencens.ca
- [Victim Services NS - DOJ](#)
[Services to help victims of crime](#)
- Legalinfo.org criminal law resources legalinfo.org/i-have-a-legal-question/criminal-law/
- Restorative Approaches novascotia.ca/just/rj/
- Aboriginal and treaty rights: considerations

Activities: How would you answer?

5. I am a sexual assault survivor. What are my rights?
6. Can I get a 'no-contact' order without involving the police?
7. Should I take a lie detector test?
8. Should I plead guilty?
9. How do I make a habeas corpus application?
10. I want to make a complaint against the police.

Case example: Discussion

I have been waiting for a long time to hear back from legal aid about my upcoming peace bond hearing against my abusive ex-spouse, who abused me two years ago and popped up late last year and just won't leave me alone. He even got a Protection of Property Act notice from my place of work. When they did that the police suggested I put a peace bond against him. He loves to intimidate me so he showed up to court and is fighting it, which is why I have to go to court for the peace bond hearing. I called victim services after and they informed me that although I was abused by this person that they had no resource to help me and referred me you.

I have 12 days to figure out what I need for court. I have witnesses who were at work every time he came in and got verbally abusive and erratic when asked to leave. My family can state I was abused during the relationship and that he made threats against all of us then... One of my family members also had a peace bond against him which I don't know if that would help.... I don't know if the hospital would give me my medical records to prove my fractures or the cut I had back then both caused by him. I'm just lost and need help and time is just running out.

I'm losing faith in the whole system having to fight by myself and honestly at this point I'm wondering if there's really any point of going to court. So if there is any legal information you may possibly be able to help me it would be so greatly appreciated.

Key Laws

- [Cannabis Act](#) (CAN)
- [Cannabis Control Act](#) (NS)
- [Charter of Rights and Freedoms](#)
- [Controlled Drugs and Substances Act](#) (CAN)
- [Criminal Code of Canada](#)
- [Criminal Records Act](#) (CAN)
- [Motor Vehicle Act](#) (NS)
- [Summary Proceedings Act](#) (NS)
- [Summary Offence Ticket Regulations and Booklet](#)
- [Youth Criminal Justice Act](#) (CAN)

Legal Question	Where would you start? Answer key
Can I smoke cannabis in my car?	No. https://novascotia.ca/cannabis/laws/ . Nova Scotia Motor Vehicle Act, Smoke Free Places Act. And, Criminal Code of Canada - https://www.justice.gc.ca/eng/cj-jp/sidl-rlcfa/
Will I lose my license for speeding 16-30 km/hour over the limit? What is the fine	Motor Vehicle Act, suspensions, and back of ticket. Points Table. https://novascotia.ca/just/regulations/sots/NSSOTbooklet.pdf
How do I get disclosure?	NS Public Prosecution Service (unless drug offence – federal)– Crown contact list - https://novascotia.ca/pps/contact.asp Or, Lawyer (Legal Aid, lawyer in private practice)
Can I drop the charges?	Legalinfo.org domestic violence materials
I am a survivor of sexual assault. What are my rights?	Free Legal Advice Program for Survivors of Sexual Violence ; and PPS Survivor's Guide to Sexual Assault Prosecution
Can I get a 'no-contact' order without involving the police?	Possibilities, depending on the situation: - Applying for a Peace Bond (s. 810 Criminal Code) - https://www.legalinfo.org/criminal-law/peace-bonds - Emergency Protection Order (Domestic Violence Intervention Act) https://www.legalinfo.org/family-law/family-violence - Cyber-Safety Order (Intimate Images and Cyber-protection Act) https://novascotia.ca/cyberscan/ - Protection of Property notice (Protection of Property Act)
Should I take a lie detector test?	You and the Police – legalinfo.org
Should I plead guilty?	Going to Provincial Court https://www.legalinfo.org/criminal-law/going-to-provincial-court Nova Scotia Legal Aid - nslegalaid.ca Duty Counsel Lawyer in private practice
How do I make a habeas corpus application	East Coast Prison Justice – Accessible Guide to Habeas Corpus http://efrymns.ca/wp-content/uploads/2018/04/HabeasCorpusManualCover_web.pdf Civil Procedure Rule 7 - http://www.courts.ns.ca/Civil_Procedure_Rules/CPRs_in_html/Rule_07.htm - Rule 7.12
I want to make a complaint against the police	Municipal police? Supervisor or NS Office of the Police Complaints Commission - https://novascotia.ca/opcc/ RCMP? Detachment or Civilian Review and Complaints Commission for the RCMP: https://www.crc-cetp.gc.ca

For discussion:

General information about the peace bond process is at [courts.ns.ca](https://www.legalinfo.org/criminal-law/peace-bonds), and at : <https://www.legalinfo.org/criminal-law/peace-bonds>. Also, lawyer referral or HR police peace bond navigator if applicable.

To grant a peace bond a judge would have to be convinced of two main things:

- fear that the defendant will cause injury to applicant, their spouse, children, or their property; and
- that any reasonable person in the same situation would also be afraid.

Evidence can include testimony (applicant, witnesses - subpoena is wise), and any documentary evidence, including photos that support that testimony. It does not have to be 'physical' evidence. Risk must be current - past 6 months. Standard of proof is balance of probabilities. Medical Records: just ask or Personal Health Information Act request.