

Criminal Procedures

CHARGED WITH A CRIME?

UNDERSTAND THE PROCESS



MAYER DEARMAN & PELLIZZARO
COMMITTED TO EXCELLENCE IN THE PRACTICE OF LAW

If you are charged with a criminal offence, it is essential to have a lawyer represent you. I take the time to help you understand our complex legal system. This can take a lot of the stress out of the ordeal. I can help you get a better result.

Help! The police have charged me with a crime.

THIS BROCHURE WILL GUIDE YOU THROUGH THE CRIMINAL PROCESS.

1) Arrested!

When you are first arrested, the police are required to tell you why. They must also tell you that you have the right to silence and the right to contact a free lawyer for legal advice.



2) Speak to the Lawyer

It is a good idea to take advantage of a free lawyer after you are arrested. The lawyer will usually tell you to not make a statement or speak to police. Remember, anything you say to police will be recorded and may be used against you in court.

3) Will you be released?

The police and/or Crown attorney will decide whether to release you from custody. They consider several factors including but not limited to the seriousness of the charge, and the content of your criminal record (if any).

4a) If you are released

If you are released police will often put you on conditions contained in a document called an **undertaking**. These conditions will remain in effect until your charges are resolved, either by conviction, acquittal, or the Crown 'drops' the charges. You can also apply to vary your conditions; a lawyer can assist you with this.

4b) If you are not released

If you are detained in custody, you will need to apply to a judge to be released. You will need to present a plan to the judge that persuades them that you are not a risk to break the law or avoid attending court. This process is called applying for bail or judicial interim release. You may only apply for once. Therefore, it is highly advisable that you hire a lawyer to assist you with developing and presenting a bail plan.

5) The Bail Plan

A typical bail plan includes the following:

a) presenting conditions you are willing to follow while released.

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b) depositing cash with the court and/or proposing a surety (someone willing to monitor you while you are out of custody to ensure you are following the conditions of your release) Generally, a surety cannot have a criminal record and must have a job. Please see the MDP brochure on sureties for more information.

c) a residence where you will stay while released.

6) Hire a Lawyer

Whether you have been released or continue to be detained, you will need a lawyer to look at all the evidence the Crown is proposing to use to prove you are legally responsible for the crime. He or she can analyse the evidence and evaluate the strength of the Crown's case against you. He or she can present you with the options available and will likely recommend one option over another. What is appropriate will clearly vary from case to case. Your lawyer can negotiate with the Crown on your behalf and/or defend you at trial if you decide to fight the charges.



7) Call me

I am happy to work with you to explore the available options to contest your charges, or in the alternative, negotiate with the Crown on your behalf for a favorable result. Please see the other side of the brochure for my contact details.

TYRONE KRAWETZ

Tyrone runs a general practice with an emphasis on criminal defence. He began his career articling with the Manitoba Prosecution Service where his duties included prosecuting criminal charges. He has since switched to criminal defence and has been involved with cases involving violence, impaired driving, narcotics, youth offenders, sexual offences, and property offences.



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