



Trials and Preliminary Inquiries

Trial

A **Trial** is a legal way of saying “**tell the judge your story**”. There are rules in place that govern a Trial to make sure it is fair to both sides: the Crown Prosecutors and the accused. The Crown bears the burden to prove criminal charges beyond a reasonable doubt. This means that the Crown must call evidence to support the charges, and this evidence must convince the Judge beyond a reasonable doubt of the accused’s guilt.

The Crown always goes first at a Trial. After the Crown calls its evidence, the Defence can choose whether or not to call evidence as well. This includes deciding whether or not the accused will testify.

There are many different kinds of evidence. The most common is witness testimony, where a person comes to court and tells the Judge what he or she saw, or did, or heard, etc. on the day in question. The Judge will listen to the witness and decide whether to believe some, all, or none of their testimony. Other types of evidence can also be used in court. For example: forensic evidence (fingerprints, DNA samples); documentary evidence (bank records, business receipts); and real evidence (the knife, the gun, the drugs, etc.). Video recordings and photographs may also be admissible at a Trial. Your lawyer is trained in the rules of evidence and knows what can and cannot be used in court.

Once all of the evidence has been heard, the Judge (or jury) will listen to submissions from the lawyers. This allows the lawyers to argue in support of their case. The Judge then delivers her or his decision, along with reasons for the decision. In Jury Trials the Jury does not have to give reasons for convicting or acquitting the accused. If the accused is found Guilty by the Judge or Jury, the next step is sentencing.

Preliminary Inquiry

In Indictable cases going to the Supreme Court of Nova Scotia, the accused may choose to have a **Preliminary Inquiry** *before* their Trial. This is a hearing at Provincial Court to learn more about the Crown's case and to weed out improper charges. You should speak to your lawyer about whether a Preliminary Inquiry is appropriate in your case.

Disclaimer: This site contains general legal information for residents of Nova Scotia, Canada. It is not intended to be used as legal advice for a specific legal problem.