



Community Law School (Sarnia-Lambton) Inc.

Legal Literacy Activity Form

Copyright 2019 Community Law School (Sarnia-Lambton) Inc., Margaret N. Capes and Kathryn M. Bullon

Please note: This Legal Literacy Activity Form has not been reviewed and approved by the Ontario Task Based Activity Portal Committee

Legal Literacy Activity Title: After Arrest: Appearance Notices and Summons

Date Developed: November 14 2019

Learner Name:

Date Started:

Date Completed:

Legal Literacy Activity Description: The learner will read sections of the attached handout from ClickLaw BC and prepare written answers to questions relating to the readings.

Materials Required: Paper and pen

Instructor preparation: Read over the learner instructions with the learner and check for understanding.

Legal Literacy Activity Title: After Arrest: Appearance Notices and Summons

Legal Literacy Activities:

Task# 1: When someone is arrested but not put in jail, they can receive an appearance notice or a summons to appear at court on a certain date. Please read the section of the attached handout called “The difference between an appearance notice and a summons” and prepare written answers to the following questions.

1. Please explain the difference between an appearance notice and a summons.

2. Please list 3 pieces of information that are included in appearance notices and summons.

Task # 2: Please read the section “If you receive an appearance notice or summons” in the attached handout and prepare written answers to the following questions.

1. What can happen if someone does not attend their "first appearance" at criminal court?

2. What is a "summary conviction" offence?

3. What is an "indictable" offence?

4. The date to have fingerprints and photographs taken at the police station is:

_____ Before the first appearance at court

_____ After the first appearance at court

Legal Literacy Activity Title: After Arrest: Appearance Notices and Summons

Answers for Legal Literacy Activities:

The learner will undertake the following activities. Answers to the questions are provided where applicable.

The learner will undertake the following tasks. Answers to the questions are provided where applicable.

Task# 1: When someone is arrested but not put in jail, they can receive an appearance notice or a summons to appear at court on a certain date. Please read the section of the attached handout called “The difference between an appearance notice and a summons” and prepare written answers to the following questions.

1. Please explain the difference between an appearance notice and a summons.

If someone is not yet charged with a crime, they might be given an appearance notice. A summons is given to a person once they have been charged with an offence.

2. Please list 3 pieces of information that are included in appearance notices and summons.

The three pieces of information are:

- a. the time and place when they have to go to court,
- b. the type of offence they have to answer to, and
- c. whether they must go to the local police station to be fingerprinted and photographed

Task # 2: Please read the section “If you receive an appearance notice or summons” in the attached handout and prepare written answers to the following questions.

1. What can happen if someone does not attend their “first appearance” at criminal court?

They must go to court at that time and date. If they don't, a warrant may be issued for their arrest, and they could be charged with another offence (failing to appear in court).

2. What is a “summary conviction” offence?

Summary conviction offences are considered less serious crimes, such as shoplifting or causing a disturbance.

3. What is an “indictable” offence?

Indictable offences are more serious crimes. Examples are breaking and entering, sexual assault, and murder.

4. The date to have fingerprints and photographs taken at the police station is:

_____ x _____ Before the first appearance at court

_____ After the first appearance at court

Legal Literacy Activity Title: After Arrest: Appearance Notices and Summons

These Legal Literacy Activities: were successfully completed ___ need to be tried again ___

Learner Comments

Empty box for learner comments.

Instructor (print and signature)

Learner Signature

From Clicklaw B.C.

[https://wiki.clicklaw.bc.ca/index.php?title=If You Receive an Appearance Notice or Summons \(No. 210\)](https://wiki.clicklaw.bc.ca/index.php?title=If_You_Receive_an_Appearance_Notice_or_Summons_(No.210)) Retrieved October 29 2019

If You Receive an Appearance Notice or Summons

This information applies to British Columbia, Canada. Last reviewed for legal accuracy by [Jordan Allingham](#), Ferguson Allingham and [Paul Briggs](#), Paul Briggs Law in March 2018.

An **appearance notice** and a **summons** tell a person they must appear in court to respond to a criminal charge. Learn what to do on getting an appearance notice or summons.

Understand your legal rights

Both documents tell someone they must appear in court

Both an appearance notice and a summons are official notices telling a person they have to appear in court at a specific time and place to respond to a criminal charge.

If someone is not yet charged with a crime, they might be given an **appearance notice**.

If someone is charged with a crime, they might be given a **summons**.

Both documents say what offence the person has to respond to, and the time and place of their **first appearance** in court.

If the person does not go to court when the document says they should, a warrant may be issued for their arrest, and they could be charged with an offence (failing to appear in court).

The difference between an appearance notice and a summons

If someone is not yet charged with a crime, they might be given an **appearance notice**.

For example, say a security guard in a store believes a person shoplifted something. The security guard calls the police. The police might give the person an appearance notice requiring them to appear in court to answer to a charge of theft. But there is not yet a criminal charge. A **prosecutor** (also called **Crown counsel**) has to first approve the charge. The person will learn when they get to court whether the charge was in fact approved, or “laid”.

A **summons** is given to a person once they have been charged with an offence.

Let's say a person while driving home one night hits a parked car, and just keeps on going. A witness sees them and reports the accident to the police. The police investigate and recommend Crown counsel charge the driver with an offence. The police might have a summons delivered to the driver saying they've been charged and when they have to appear in court.

How the documents are delivered

A summons is typically given to someone personally ("**served**" on them). If a person can't be conveniently found, a summons can be left at their usual or latest place of residence with a person there who appears to be at least 16 years old.

Usually, a police officer gives someone an appearance notice.

If you receive an appearance notice or summons

Read the document carefully

Whether you received an appearance notice or a summons, the document will tell you three important things:

1. the time and place when you have to go to court,
2. the type of offence you have to answer to, and
3. whether you must go to the local police station to be fingerprinted and photographed.

The court date

The document will tell you the date of your "**first appearance**" in court. You must go to court at that time and date. If you don't, a warrant may be issued for your arrest, and you could be charged with an offence (failing to appear in court).

The first appearance is not a trial. It's the first step to find out more about the charge against you. The prosecutor will give information (called the "**particulars**" or "**disclosure**") about the charge. They may also give you their "**initial sentencing position**", which is the sentence (or penalty) they think the judge should give you.

At the first appearance, you can tell the court what you plan to do about the charge. Usually, the court will set another date a couple of weeks later, so you have time to review the information and consider your options.

The offence

The document will tell you the offence you have to answer to. There are two types of offences. **Summary conviction offences** are considered less serious, such as shoplifting or causing a

disturbance. **Indictable offences** are more serious. Examples are breaking and entering, sexual assault, and murder.

Fingerprinting

The document will usually have a paragraph filled out saying you must go to the local police station on a certain date to have your **fingerprints and photograph** taken. That date will be before your first court appearance. No discussion of the offence takes place at this time, and you don't need a lawyer.

If you don't go for fingerprinting, you can be arrested and charged with the offence of failing to appear (as long as a charge has been laid on the original offence).

If the document has a mistake

A mistake in an appearance notice or a summons can make the document invalid. It depends on how serious the mistake is. For example, if the document has the wrong date, it would have to be fixed and given to you again. But if the mistake is just a small typo, it may not have any effect. If you see a mistake in the document, you should still go to court at the required time.

Deal with the problem

Step 1. Get legal advice

If you receive an appearance notice or a summons, **speak with a lawyer** before you do anything else. A lawyer can tell you about your legal rights, your options, and the process involved. We suggest options below for finding a lawyer.

Step 2. Go for fingerprinting (if required)

If the appearance notice or summons has the paragraph filled out saying you must go to the local police station to be fingerprinted and photographed, **go at the required time**.

If you don't go for fingerprinting, you can be arrested and charged with the offence of failing to appear (as long as a charge has been laid on the original offence).

Step 3. Go to your first court appearance

The appearance notice or summons will tell you the date of the first appearance in court. **Go to court at the required time**. If you don't go (or have a representative go on your behalf), a warrant may be issued for your arrest, and you could be charged with failing to appear in court.

If you can't get a lawyer in advance, most courthouses have lawyers called **duty counsel**. They give free legal advice to people who have a case in the courthouse on that day. Duty counsel might be able to help you.

Tip

If you have received an appearance notice, when you arrive at the court, check with the court registry or look for the "court list" to see if you have been charged. Crown counsel may have decided not to approve a criminal charge against you.