

Criminal Sentencing and Options

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If Not Possible to Avoid All Convictions

If one cannot avoid all convictions it is sometimes preferable to plead guilty to something. A guilty plea is usually seen as a sign of “*remorse*.” When remorse is demonstrated a sentencing Judge is to consider reducing the amount of time that would otherwise be applied for that nature of offence.

Best Result Possible

If for some reason we could not avoid a conviction on all charges, there are sentences which range from discharges (so there is no criminal record-very unlikely in your case because of the nature of the allegations), to suspended sentence (no real harsh terms imposed but if one does not live up to the conditions imposed, then the matter could come back to court and be re-sentenced by the same Judge or the same court), or a period of jail time. However, jail time can sometimes be what they call “*conditional*,” which means that the jail time can be served in the community. This can be under house arrest or other fairly restrictive terms or can be fairly broad. So long as one abides by the conditions then the person never has to go to jail. If they do not abide by the conditions then they have to serve the entire sentence.

There can also be jail time imposed. Sometimes this is done on an intermittent basis, such that they may serve their jail time on weekends. This usually applies if the sentence is under 90 days in total. That way the person does at least go into jail for a while.

A more severe sentence is where the person gets actual jail time. This can either be in a provincial institution (if the sentence is under 2 years), or in a penitentiary (where the sentence is 2 years or more). In a penitentiary one is surrounded by quite often more serious offenders because this is where murderers and other people who will serve the rest of their life are serving their time.

Even if a person receives a sentence, for example of one year, then they can have time reduced for remission. For example, a person might only have to serve 9 months at most of a 12 month sentence.

A person may apply for parole. This means that they serve more of their sentence in the community. Generally this is a possibility after about 1/3 (if there was a one year sentence it would be after 4 months) that a person can apply. Some offences, especially ones where there is significant violence, do not allow for early parole and they keep people in for a long time, basically the entire sentence.

Probation

Probation is where a person must abide by certain terms for a period of time. This may include restrictions of consumption of drugs or alcohol, or other basic requirements. It can also mean that a person must attend for counselling. If they do not abide by their probation terms they may be charged with a further criminal offence and receive a further sentence.