



**PETERBOROUGH COMMUNITY SUPPORT COURT**

**ADULT PROGRAM “Waiver”**

I understand that I am charged with the following criminal offence(s) of: **[LIST BELOW]**

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**The normal course of a criminal charge**

1. I understand that I am presumed to be innocent of these charges.
2. I understand that in the normal course of a criminal proceeding, a court may decide to release me on bail until the completion of the process. If I am denied bail at the initial hearing, I have the right to appeal the decision refusing me bail. I also understand that if it is believed that I have disobeyed any conditions of my bail, I may be arrested and a court may cancel my bail. When my bail is cancelled, I have the right to re-apply for bail. I have a right to be represented by a lawyer at any hearing into whether I should be released on bail.
3. I understand that in the normal course of a criminal proceeding I have a choice to plead “not guilty” or “guilty” to any offence with which I am charged. If I choose to plead “not guilty”, I will have a trial where the Crown must prove that I am guilty of the charge beyond a reasonable doubt or else the charge will be dismissed.
4. I have a right to know in advance of the trial what evidence the Crown has against me. I understand that I have the right to speak with a lawyer about the case in order to review any defences to the charge and whether there are any weaknesses in the Crown’s case, which could result in acquittal.
5. If the Crown proves beyond a reasonable doubt that I committed the offence, I will be found guilty. If, on the other hand, I choose to plead “guilty”, and admit the facts without the calling of evidence, I will give up my rights to hear or challenge the witnesses or argue that I should not be found guilty and I will be found guilty.
6. If I am found guilty, a court will decide what sentence to impose upon me based on the law and on what is said by the prosecutor, my lawyer and myself should I choose to say something. When deciding on the appropriate sentence, a court may decide, if appropriate, to send me to jail, to grant me a discharge, to sentence me to a conditional sentence of imprisonment in the community, to place me on probation, impose a fine, or impose some combination of dispositions. A court must impose a sentence that in the judge’s view is most appropriate, taking into account what s/he knows about me, the circumstances of the offence, as well as other aggravating and mitigating factors.
7. I am entitled to a trial within a reasonable time.

8. If I am found guilty and sentenced, I have the right to appeal against the conviction, the sentence or both the conviction and sentence.

**The alternative course of a criminal charge – The Program**

9. Instead of choosing to proceed through the normal course, I may choose to plead guilty and to participate in the Community Support Court (referred to as “the Program”). No one may force me to participate in the Program. It is entirely up to me whether I choose to do so.
10. I understand that the Program will likely take at minimum, 1 year to complete. I understand that the Court will delay my acceptance into the Program for a period generally not exceeding ninety (90) days, while my suitability for the Program is assessed. If it is determined that I am not appropriate for the Program, I understand that I will be entitled to have my plea struck and to have my matters adjourned to the regular court system. During this time, my matter will remain on the 9:30am docket
11. If I am accepted, there is a fixed time limit for the completion of the Program. It is ultimately up to the Court, with the input of the Multi-disciplinary team (MDT) comprised of the Judge, duty/defense counsel, Crown counsel, Case Managers, police, consulting psychiatrist and probation officers, to decide if and when I have successfully completed the Program. By choosing to participate in the Program, I agree to waive my right pursuant to s. 720 of the Criminal Code to be sentenced as soon as practicable. Once accepted into the program, I understand I am not automatically entitled to have my plea struck.
12. If I choose to participate in the Program, I understand that I am giving up my right to plead “not guilty” to the charge against me.
13. I understand I have a right to a trial within a reasonable time (section 11(b) *Charter of Rights*). I also have the right to proceed with a guilty plea and sentencing in a timely manner. I understand that as a result of participating in the Program, my proceedings will be delayed as a result of the programming involved. As part of Community Support Court, I agree to waive my rights to a timely trial from the time I enter into the program (at the time I sign this waiver form) to the time when I am no longer part of Community Support Court (as a result of completing CSC, or if I am asked to be removed).
14. I have had the opportunity to speak to counsel or duty counsel before agreeing to waive my 11(b) rights.
15. In making this decision I have had an opportunity to consult with a lawyer about the Crown’s evidence against me and my legal options.
16. I choose to plead “guilty” and accept responsibility for each offence on which the Crown proceeds. I admit in fact that I did what the Crown says I did in the evidence or summary of the evidence.

17. If I choose to participate in the Program, I understand that I must first qualify for, and be accepted into, the Program. I understand that I will be released on bail to attend for an assessment at the designated service agency.

Agency:

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18. In order to receive the legal benefit of the Program, I must complete the Program to the satisfaction of the Court. The Court will postpone the sentencing decision until I have successfully completed the Program. If I successfully complete the Program to the satisfaction of the Court, the Court's finding of guilt will remain and I will be sentenced. The Court will not impose a sentence that requires me to go to jail.
19. If, on the other hand, I fail to successfully complete the Program, the Court will decide the appropriate sentence in the normal course. If I fail to complete the Program and am sentenced in the normal course, nothing I have said to any of the counsellors while participating in the Program will be used by the Crown against me.
20. My participation in the Program will require frequent mandatory court appearances for the purpose of monitoring my progress in the Program. I understand that if I miss any court dates a warrant for my arrest may be issued and, at my next court appearance, my bail may be cancelled and I may be expelled from the Program.
21. The Program will also require me to follow a Community Treatment Intervention Plan (CTIP) and attend other appointments as specified in the CTIP. The results of any drug screening or any statements made during the counselling sessions may be reported to the MDT, which monitors my progress in the Program.
22. If I choose to participate in the Program, I understand I will be required to leave twice weekly urine screens on a regular and/or random basis. I understand the results of these screens will be provided to the Court and treatment provider.
23. I understand that subject to my right to request one retesting of any disputed urine screen, I agree to accept the validity of the urine screen results.
24. If I fail to fulfill the requirements of the Program, such as missing a urine screen, being dishonest with my case worker or the judge, or not attending the counselling sessions as required, the Court may impose sanctions; increase the number of times I am obliged to attend for treatment, counselling or drug testing; extend the treatment period under the Program; cancel my bail; expel me from the Program and sentence me; and/or take such other action as the Court deems appropriate.
25. I understand that while I am participating in the Program, members of the MDT present at the meeting will discuss my case in my absence prior to each attendance in CSC. I agree to this in order to obtain maximum help from the Community Support Court.

- 26. If the Crown, in consultation with the MDT, presents the Court with a reason for canceling my bail or expelling me from the Program, the Court will allow me an opportunity to explain why this should not happen.
- 27. Neither the results of drug screening nor any statements that I make during counselling sessions may be used by the Crown to prosecute me for breaching my bail or for any other offence. However, if there are other conditions imposed upon me by my bail, I must abide by those conditions or else face the possibility of a charge of failing to comply with my bail. I may also be charged with “failing to appear” if I do not attend Court as required.
- 28. I understand that as a condition for being allowed to participate in the Program, I must at all times keep my treatment providers and the Court advised of my current address and contact information during my participation in the Program.
- 29. I understand that if I am arrested on any new charge(s) while participating in the Program, I must report this to my treatment providers and the Court. It will then be up to the Court to decide whether to cancel my bail and/or expel me from the Program. The Crown will make a decision based on the new charges and other factors as to what new position it will take.
- 30. I understand that my involvement in the Program may be the subject of study by officials involved in the evaluation of the Program. While any such study must respect my right to privacy, I may be asked to participate in follow-up studies during and after my completion of the Program. By signing this form, I willingly agree to participate in a study seeking to evaluate the Program. I also agree to release to the officials involved in the study, a copy of my criminal record and a list of all pending criminal charges.

I have read this waiver (or the waiver has been read to me). By signing this waiver, I am indicating that I have voluntarily chosen to participate in the Program and to comply with all of the terms and conditions.

By checking this box and typing my name below, I am electronically signing this form

DATED this \_\_\_\_\_ day of 20\_\_\_\_\_ at the City of Peterborough.

\_\_\_\_\_  
WITNESS

\_\_\_\_\_  
APPLICANT

Counsel/Duty Counsel providing advice:  
\_\_\_\_\_  
\_\_\_\_\_

(Name, Address, Telephone No.)

Translated by me \_\_\_\_\_, a person fluent in the English and \_\_\_\_\_ languages before being signed by the applicant.

- Original to:
- the Court
- Copies to:
- Treatment Provider
  - Crown Attorney/Federal Prosecutor
  - Counsel/Duty Counsel
  - Applicant