



Handout: First Appearance

The first time a young person appears in Youth Justice Court is called the “first appearance.” The criminal charge will be read to the young person. Then the Judge will ask if the young person wants to plead guilty (i.e., admit the crime) or not guilty (i.e., require the Crown to prove the charge). The entering of a plea may be adjourned to a later date while the young person gets legal counsel.

If the young person decides to plead not guilty, a trial date will be set. Usually, the trial date will be sometime after the first appearance in court. This gives the Crown Prosecutor and defence counsel time to prepare their cases and their arguments.

The accused young person has an absolute right to be represented by a lawyer in proceedings against them. If a young person appears in court without counsel, the Youth Justice Court Judge must advise the young person that they have the right to retain and instruct counsel, and the Judge must give the young person a reasonable opportunity to get a lawyer. If the young person wants to get a lawyer but cannot, (i.e., by hiring one, or by receiving legal aid), they can make a request for counsel to the Judge and the Judge must order that counsel be provided.

The young person’s absolute right to counsel throughout proceedings is a right that adults do not enjoy. An adult generally only has a lawyer if the adult can pay for a lawyer or if the adult qualifies for legal aid.