

If You Can't Get Legal Aid for Your Criminal Trial

How to Make a Rowbotham Application

Denied legal aid?

Can't afford a lawyer?

Facing a serious/complex criminal charge?



Legal
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Society

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This booklet explains the law in general. It is not intended to give you legal advice on your particular problem. Because each person's case is different, you need to get legal help. The information in this booklet was up to date as of November 2015.

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What if I can't get legal aid?

If you can't get legal aid for your criminal trial, you can ask a judge to **stay** (delay) your charges until the government gives funding for a lawyer to represent you. This is called a **Rowbotham application**.

You can do this if you:

- need a lawyer but can't afford one, AND
- face a serious criminal charge, AND
- face a complex criminal charge.

This booklet explains:

- Why a judge can stay your charges until the government gives funding for a lawyer.
- What you have to prove.
- When and how to ask for a stay until the government gives funding for a lawyer (your *Rowbotham* application).
- How to prepare for court.
- What happens in court.

Why can a judge stay my charges?

The Canadian Constitution (Charter of Rights and Freedoms) says you have the right to a fair trial. Judges have a duty to protect your right to a fair trial. The courts have decided that sometimes a person can't have a fair trial if they don't have a lawyer.

If you need a lawyer and you've been denied legal aid, you can apply for a stay of your charges until the government helps to pay for a lawyer to represent you. The judge may or may not order a stay. It depends on your financial situation and the nature of your charges.

You need to prove four points

To apply for a stay of your charges, you need to prove the following:

- You've been denied legal aid.
- You can't afford a lawyer.
- You face a serious charge.
- You can't defend yourself because the charge is too complex.

If the judge decides you need a lawyer to get a fair trial, they can order a stay.

If the judge orders a stay, you won't have to return to court for a trial unless the **Attorney General** (the government) agrees to pay for your lawyer.

How do I prove the four points?

It takes time to gather the information and supporting documents you need to prove the four points. Start right away. The section called “How do I make a *Rowbotham* application?” (page 5) tells you where to send the information and documents.

1. How to prove you’ve been denied legal aid

Show the judge your letter from Legal Aid telling you that you can’t have legal aid. It explains why they denied your application.

If the letter from Legal Aid also says you can appeal, show the judge that you appealed or asked for a review but were turned down again.

Be prepared to show the judge any other documents from Legal Aid that show you were denied legal aid and the reasons why. If you’ve lost any of them, ask your contact person at Legal Aid for copies.

2. How to prove you can’t afford a lawyer

Make a list of your finances

Make a list of your **finances** (your income and expenses) from the time you first learned you faced charges until now.

Collect documents to prove such things as:

- Your current job situation.
- Your monthly income and household expenses, including any support payments you make.
- Your assets and debts (if you have any).
- Your dependants (for example, children that you support).
- Financial details about any adult who lives with you and contributes to your household expenses.
- What you’ve done to save or borrow money to pay for a lawyer.
- What you’ve done to find a lawyer who’ll represent you for free or at a low rate.
- How much it’ll cost to get a lawyer to represent you.

Gather documents

You need to prove anything you say about your finances. Here's a list of documents that will help:

- Deposit statements, if you're on **social assistance** (welfare) or disability.
- Recent pay stubs, if you have a job.
- A personal financial statement. (The Attorney General will give you a form when you apply.)
- Your most recent income tax return and Canada Revenue Agency (CRA) assessment.
- Bank and credit card records.
- Receipts for support payments and all other expenses. (Examples include rent, utilities, transportation, and food.)

Show that you can't afford a lawyer

You also need to prove:

- that you tried to find a lawyer who'll work for free, OR
- that you tried to find a lawyer who'll work for a fee you can afford, AND
- what it'll cost to have a lawyer defend you.

The cost of a lawyer depends on how long your trial is expected to last.

Ask a few lawyers for a written estimate of their time and fees for a case like yours. Or make your own notes from their answers to your questions. (To find a lawyer, see "Where can I get legal help?" on page 12.)

If you don't give enough information about your finances

The government may:

- **oppose** (argue against) your application, OR
- ask the judge to delay setting a hearing date until you give more information.

If you still don't give enough information, and if a hearing is held, the judge might **dismiss your application**. This means it won't be allowed.

3. How to prove you face a serious charge

You need to prove that you're charged with a serious offence. Usually **serious** means you'll probably go to jail if you're **convicted** (found guilty).

You face a serious charge if:

- you face a **mandatory minimum sentence**. (This means the judge has to follow certain rules about how to sentence you); OR
- the **Crown counsel** will ask for a jail sentence if you're convicted. (The Crown counsel is the lawyer paid by the government. They're sometimes called the **government lawyer**.)

Get the government lawyer's position on sentencing

Ask the government lawyer to write down their **position on sentencing**. This is what's likely to happen if you're convicted *after a trial*.

The government lawyer's position on sentencing might be different from their **initial sentencing position**. The initial sentencing position only states the government lawyer's position if you plead guilty.

The sentence for a serious offence might affect your family or your job:

- If you have children, a conviction could affect your parental rights.
- You might lose your job or be banned from working in certain jobs if you're convicted.

Show the judge the penalties will seriously affect your life

Show the judge that the penalties you likely face if you're convicted will seriously affect your life.

Some consequences you likely face are usually not considered serious enough to succeed on this type of application unless you also face a jail sentence. The following are *not* seen as serious consequences:

- a criminal record,
- travel restrictions, OR
- losing your driver's licence.

4. How to prove you can't defend yourself because the charge is too complex

You need to prove that your case is too complex for you to defend yourself. For example:

- Your case may raise technical legal issues.
- The trial procedure may be difficult for you to follow.
- There may be too much evidence or too many witnesses for you to handle on your own (especially if you're in jail).

Talk to a lawyer

Ask a lawyer to explain what's complex about your case. Also ask the lawyer to help you plan your defence.

If you can, talk to a lawyer *before you go to court*. This way you can have all the information you need to show that your case is complex and that you need a lawyer to defend you.

Give the judge information about your ability to defend yourself

Give information about:

- Your education level.
- Your reading, writing, and speaking abilities.
- Your knowledge of the criminal process.
- Anything that makes it difficult for you to speak for yourself. (Examples include disability or illness.)

This will help the judge decide if you're able to defend yourself.

How do I make a *Rowbotham* application?

To get a stay of your charges until the government provides funding for a lawyer, you need to make a ***Rowbotham* application**.

Rowbotham is the name of an important Ontario case about when a person should have a government-funded lawyer.

Apply to the court where your trial will be heard

Criminal trials in BC take place in Provincial Court or Supreme Court. Where your trial is heard depends on what kind of offence you're charged with. It may also depend on how you choose to be tried. (For some offences you have a choice of courts.)

Apply as soon as possible, even if you're not sure which court will hear your trial. Ask a lawyer to explain where you should apply.

A government lawyer or judge will let you know if you make any mistakes in the application procedure. You'll have a chance to correct any mistakes.

Apply as soon as possible

Try to apply as soon as you find out you can't get legal aid. Follow the same steps whether or not your trial has started.

Get the forms you need

To make a *Rowbotham* application, fill out an **Affidavit** and a **Notice of Application and Constitutional Issue**:

- **Affidavit:** This is a sworn, written statement that gives background information.

Take this form to a lawyer, a commissioner, or a notary public. Swear in front of them that the information is true. Then sign the form.

Get a copy of the Affidavit form on page 19.

- **Notice of Application and Constitutional Issue:** This document tells the federal government, provincial government, and local Crown office that you're asking for your case to be delayed until you have a government-funded lawyer to represent you. You're asking for an official delay called a **stay of proceedings**. You may have a right to do this under the Constitution and your right to a fair trial.

Get a copy of the Notice of Application and Constitutional Issue form on page 21.

Fill out the forms

1. Follow the instructions on the two forms. The instructions are in the left-hand column.
2. Take the Affidavit to a lawyer, a commissioner, or a notary public to be sworn and signed. This means you swear in front of them that the information in the Affidavit is true. Then sign it. There's usually a commissioner at the court registry.
3. Make four copies of the signed Affidavit and Notice of Application and Constitutional Issue.

File the forms at the court registry

Take the originals and all the copies of the forms with you to the court registry where your case will be heard. Here's what happens next:

- The staff will look at the forms. They'll ask you to correct any mistakes.
- The staff will give you the file number and a **fix-date**. This is a date for you to attend court to schedule your application so that you can fill in the remaining blanks. The fix-date must be *at least two weeks* from the date the government gets your application.

Add this number and date to all the copies.

When you finish, the registry staff will stamp all the documents and keep the originals. Your application is now filed with the court.

Serve your application on the government

Now you need to **serve** your application on (send it to) the government:

1. Mail one copy each of the Affidavit and Notice of Application and Constitutional Issue to the Attorney General of Canada (**copy 1**). Their address and fax number are on the Notice of Application form.
2. Mail another copy of each form to the Attorney General of British Columbia (**copy 2**). Their address and fax number are on the Notice of Application form.
3. Ask the registry staff for the local Crown counsel's **address for service**. Mail or fax one copy of the Affidavit and one copy of the Notice of Application and Constitutional Issue to this address (**copy 3**).
4. Keep one copy of each document for yourself (**copy 4**).

Send these documents by registered mail. Or get a fax confirmation sheet. This way you can keep track of them and have proof of delivery.

If your trial's already started

You can still make a *Rowbotham* application. If you appear in court without a lawyer, the judge will probably ask if you plan to represent yourself. Tell the judge: "I want to make a *Rowbotham* application because I can't afford a lawyer and I can't get legal aid."

Then complete the steps in the "How do I make a *Rowbotham* application?" section on page 5.

Tell the judge if you filed your documents at the court registry and sent copies to the Attorney General of BC, the Attorney General of Canada, and the local Crown counsel. If you haven't filed them, tell the judge when you plan to file them.

What do I do after the government responds?

After you send copies of your Affidavit and Notice of Application and Constitutional Issue to the Attorney General of BC, the Attorney General of Canada, and the local Crown counsel, you'll probably get a letter from a government lawyer. It'll ask you to prove:

- that you were denied legal aid,
- what your financial situation is, AND
- how serious and complex your charges are.

If you need help understanding the letter, ask a lawyer. See "How do I prove the four points?" (page 2) and the checklist on page 13 for information you need to answer the government lawyer's questions.

Gather all your information and documents

Make two copies of everything. If you can, attach everything to an Affidavit stating that it's accurate and complete. Put your court file number at the top. If you need help, ask a lawyer.

Take the documents to the court registry

1. Take all the copies of the documents to the same court registry where you filed your Affidavit and Notice of Application and Constitutional Issue.
2. The staff at the registry will stamp the first page and keep the originals.
3. Send one copy of all the documents to the government lawyer. Keep the other copy for yourself.

If your documents are incomplete, the government lawyer or judge might ask you to give more information. If you don't agree with what they ask for, tell the judge at your next court appearance.

Once the government lawyer gets all of your documents, they'll tell you what the government's position is on your application. You might have to appear in court one or more times to tell the court about your progress.

If you qualify

If your documents show that you qualify, the government might agree to your application and:

- pay for a legal aid lawyer, OR
- offer to pay for part of the cost of a legal aid lawyer and ask you to pay the rest.

If that happens and you agree, there won't be a hearing for your application.

If you don't qualify or your documents are incomplete

If your documents don't show that you qualify or are incomplete, the government lawyer or judge may suggest that a hearing date should be set for your application.

If a hearing date is set, the government lawyer will:

- prepare documents to explain why your application should be turned down, AND
- appear at the hearing to oppose your application.

At any time, you can choose to:

- go ahead with a hearing, OR
- provide more documents, OR
- stop your application.

How do I prepare for court?

Not all *Rowbotham* applications need a hearing.

A judge might hold a hearing of your application if the government lawyer:

- tells you that your documents don't prove that you qualify, OR
- makes an offer to settle your application that you don't agree with.

To prepare for this, think about what to tell the judge. Use the Affidavit on page 19 and the checklist on page 13 to organize your thoughts. Think about how you can prove the four points that the judge will use to make a decision.

Remember, you can use:

- Your own **testimony**. (This is what you say to the judge under oath.)
- Your Affidavit.
- Other documents. (Examples include letters, forms, bank statements, and cheque stubs.)
- Witnesses.

Important: *The law on Rowbotham applications says that your own testimony or testimony by a witness isn't enough to prove you qualify. You need documents that support what you or the witness plans to say. Use those documents while you give your testimony.*

*The government lawyer is allowed to see copies of all the documents you plan to use at the hearing before the hearing takes place. Prepare your documents well ahead of time. Send them to the government lawyer before the hearing takes place. If you don't, your hearing might be **adjourned** (delayed).*

Meet with a lawyer and ask for help

Ask a lawyer to go over the four points and what to expect in court.

If you don't get legal help, you can still make a *Rowbotham* application

Follow the instructions in this booklet. The judge will know what you're asking for.

What happens in court?

Whether you apply before or after your trial starts, the judge may hold a hearing about your application to stay your charges until you have a lawyer to represent you.

You go first

You speak first.

In Provincial Court, call the judge “Your Honour.” In Supreme Court, call the judge “My Lord/My Lady.”

When you finish, your witnesses speak.

You need to prove four points

You need to convince the judge that:

- You’ve been denied legal aid.
- You can’t afford a lawyer.
- You face a serious charge.
- You can’t defend yourself because the charge is too complex.

You need to give evidence for all four points

To present your evidence, you can:

- **testify** (speak) under oath;
- use your Affidavit;
- present documents (for example, cheque stubs, receipts, bank statements); AND
- call witnesses.

Your documents must support anything you or your witnesses say.

The government lawyer may ask questions about your application

The government lawyer may ask you and your witnesses questions about your application. The judge may have questions too.

When you speak to the judge, tell them about the documents or the other parts of your evidence that support the four points you need to prove.

If the judge finds a problem with your application

If the judge says you made a mistake in your application or some documents are missing, don't give up. Ask the judge:

- what you should have done, AND
- for an **adjournment** (delay) so you can fix the mistakes.

The government lawyer goes next

The government lawyer will probably try to prove that you can defend yourself because:

- the charge isn't serious or complex, OR
- you can afford a lawyer.

They might also ask the judge to dismiss your application if any information or documents are missing or incomplete.

You can speak again after the government lawyer has finished speaking. When you address the judge, talk about the parts of your evidence that support the points you're trying to make.

The judge decides

After you and the government lawyer both present your evidence, the judge will decide if they'll grant your application. Sometimes the court will adjourn before this happens.

If the judge decides you should have a government-appointed lawyer, they'll order a **stay of proceedings**. This means you won't have to return to court unless the government agrees to pay for your lawyer.

If the judge denies your application, you *can't* appeal it. But if your circumstances change before the end of the trial, you can make another legal aid application and/or *Rowbotham* application.

Where can I get legal help?

Even if you can't afford a lawyer to represent you in court, it's a good idea to talk to one before your trial. To talk to a lawyer:

- Speak to a **duty counsel** lawyer at the courthouse. Duty counsel are lawyers paid by Legal Aid. If you don't have your own lawyer, duty counsel can give you free advice about the charges against you, court procedures, and your legal rights (if time permits). Duty counsel can also speak on your behalf the first time you appear in court. But they can't act as your permanent lawyer.
- Call the Legal Aid BC Call Centre at **604-408-2172** (Greater Vancouver) or **1-866-577-2525** (no charge outside Greater Vancouver). Or call your local courthouse to find out when duty counsel will be there.
- You can also hire your own lawyer. Even if you pay for just two meetings to get basic advice about your case, it could be worth the cost. Find out at your first meeting what kind of help the lawyer can give you and what it'll cost.
- If you don't know a lawyer who handles criminal cases, call the **Lawyer Referral Service**. For \$25 (plus tax), you can call a lawyer for a half-hour appointment. If you decide to hire that lawyer, ask how much you can expect to pay. Call the service at **604-687-3221** (Greater Vancouver) or **1-800-663-1919** (no charge outside Greater Vancouver).

If you live in Greater Vancouver, the Law Students' Legal Advice Program (LSLAP) may be able to help you. The University of British Columbia runs this program. LSLAP can give you free legal advice or help if you're charged with a **summary offence** (a less serious offence also known as a petty crime) and aren't likely to get a jail sentence if convicted. Call **604-822-5791** to find the nearest LSLAP clinic.

If you live in Victoria, the Law Centre may be able to help you. Call **250-385-1221** for more information.

For more information about the law, see Clicklaw at **clicklaw.bc.ca**. This website gives links to legal information, education, and help for British Columbians. You can find out about your rights and options to solve legal problems, find toll-free numbers for law help, and learn about the law and the legal system.

Checklist of points to cover in court on a *Rowbotham* application

Remember that your own **testimony** (spoken evidence) or testimony from witnesses must be supported by documents. Use the bullet points to make a list of the things you need.

1. What if I've been denied legal aid?

Legal Aid turned me down

- details of when and where

I appealed or asked for a review and was denied again

- details of when and where

The reasons Legal Aid turned me down

- details of what the Legal Aid worker and/or letter said

To prove point 1, I'll use:

- my own testimony
- my Affidavit
- letters or forms from Legal Aid
- my witnesses, evidence

2. I can't afford a lawyer

because of my employment situation:

- employment record
- proof of employment or lay-off

because of my monthly income and household expenses and/or my assets and debts

- personal financial statement
- cheque stubs or deposit statements
- support payment receipts
- bills and receipts (for example, rent, hydro)
- bank and credit card statements
- income tax return and assessment
- property assessments
- property tax notices
- mortgage or loan statements
- collection notices
- financial details for any other adult who lives with you and contributes to your household expenses

because of my dependants (children I support)

- child support order
- support payment receipts
- bank statements showing payments received
- details of dependants (for example, number of children, their ages, associated expenses)

To prove point 2, I'll use:

- my own testimony
- my Affidavit
- documents (see the lists above)
- my witnesses' evidence

3. I face a serious charge

- I'm likely to go to jail if convicted
 - details of the charge (the court document also called the **Information**)
 - the government lawyer's position on sentencing if I'm convicted *after a trial*
 - my criminal record, if I have one
- a conviction may have serious consequences for my life
 - for example, loss of my parental rights or job

To prove point 3, I'll use:

- my own testimony
- my Affidavit
- documents, such as pay stubs, that show what I do for a living and information about any licences I need
- my witnesses' evidence

4. I can't defend myself because the charge is too complex

- Technical legal issues are involved in my defence
 - use details from a lawyer or ask the judge to explain
- The trial procedure is too difficult for me to follow because of
 - my education level
 - my language or ability to read
 - my knowledge of the legal process
- There's too much evidence and/or too many witnesses for me to handle

To prove point 4, I'll use:

- my own testimony
- my Affidavit
- documents, such as a letter from a lawyer about the legal issues
- my witnesses' evidence

Forms

You need **four copies** of the forms on pages 19 to 23.



INSTRUCTIONS

Staff at the court registry will give you the file number. Print the name of the registry. Print the name of the court where your trial will be heard: Provincial or Supreme.

You're the applicant. Print your name on the line.

Print your name on the line.

List the charges you face.

Check your:

- cheque stubs
- bank statement
- rent, hydro
- tax return
- bills

Use them to provide the dollar amounts.

File No. _____
_____ Registry

IN THE _____ COURT OF BRITISH COLUMBIA

BETWEEN:

HER MAJESTY THE QUEEN

and

(Applicant's name)

AFFIDAVIT

I, _____, swear that the following is true:

1. That I am the accused in these proceedings and have personal knowledge of the matters referred to in this Affidavit.
2. That I am charged with:
(List the charges) _____

3. That my financial circumstances are:
 - (a) my income is: \$ _____
 - (b) my expenses are: \$ _____
 - (c) my debts total: \$ _____
 - (d) all the things that I own have a value of: \$ _____
4. That I have been refused legal aid.
5. That I have not been able to hire a lawyer because I cannot afford one.



You can list any additional reasons why a conviction may be serious: for example, loss of driver's licence if you drive for a living.

Put down what grade you completed in school. (Or the number of years of high school you completed if you didn't go to school in Canada.)

You can explain why you think your case is complex, if you want.

Where it says, Attorney General of _____ you'll probably put "British Columbia." But if you're charged under certain federal laws, such as the Controlled Drugs and Substances Act or the Fisheries Act, put "Canada."

You sign in front of the lawyer or notary public.

The lawyer or notary public fills out the date and place, and signs the form.

6. That I believe my case is serious because I believe I may go to jail if convicted.

My case is also serious because: _____

7. That I do not know how to represent myself in a criminal trial. My education level is: _____

8. That I believe my case is complex.

My case is complex because: _____

9. I swear this Affidavit in support of an application to have a judge order that I be provided with counsel and for a stay of proceedings against me until the Attorney General of _____ provides the necessary funding for counsel.

SWORN BEFORE ME at the city of)

_____, in the province of)

British Columbia, this ___ day)

of _____, 20 _____.)

)

)

)

_____)
A commissioner for taking)

Affidavits within British Columbia)

Signature of applicant

When the lawyer, notary, or commissioner of affidavits has completed this Affidavit, make **4 COPIES**.

Take these copies plus the original to the court registry and get them stamped. Ask for the **ADDRESS FOR SERVICE** of the local Crown counsel. Put one copy of this Affidavit and the Notice of Application and Constitutional Issue in an envelope and MAIL IT to this address (**copy 1**).

Then, MAIL ONE COPY of this Affidavit and the Notice of Application to the ATTORNEY GENERAL OF CANADA. MAIL ONE COPY to the ATTORNEY GENERAL OF BC. The addresses are on the Notice of Application form (**copies 2 and 3**).

It's a good idea to send all documents by registered mail to keep track of them and get proof of delivery.

KEEP ONE COPY for yourself (**copy 4**).



INSTRUCTIONS

Staff at the court registry will give you the file number. Print the name of the registry. Print the court where your trial will be heard: Provincial or Supreme.

You're the applicant. Print your name on the line.

Print the court name: Provincial or Supreme.

You get the hearing date, time, and place from the staff at the court registry.

Where it says, Attorney General of _____, you'll probably put "British Columbia." But, if you're charged under certain federal laws, such as the Controlled Drugs and Substances Act or the Fisheries Act, put "Canada."

File No. _____

_____ Registry

IN THE _____ COURT OF BRITISH COLUMBIA

BETWEEN:

HER MAJESTY THE QUEEN

and

(Applicant's name)

NOTICE OF APPLICATION AND CONSTITUTIONAL ISSUE

*(Constitutional Question Act, R.S.B.C. 1996, c. 68, Section 8;
Constitution Act, 1982, Part I, Sections 7, 11 (d) and 24(1))*

**TO: Attorney General of Canada
900 – 840 Howe Street
Vancouver BC V6E 3P9**

and

**TO: Attorney General of British Columbia
PO Box 9280
Stn Prov Govt
Victoria BC V8W 9J7
Attn: Duty Counsel
Fax: 250-387-6224**

TAKE NOTICE that the applicant will make an application to a judge of the _____ Court on the day of _____, 20_____ at _____, or as soon after that time as the application can be heard at the _____ Court at (address): _____

THE APPLICATION IS FOR an Order staying the proceedings until the Attorney General of _____ provides the necessary funding for counsel subject to any assessment of counsel's bill.



THE GROUNDS FOR APPLICATION ARE:

Write in the date the registry gives you.

1. The applicant has a hearing date of _____ with respect to offences, including charges of:

(list charges here) _____

List all of the charges you face.

2. The applicant wishes to retain counsel to defend these charges. To that end, the applicant applied to the Legal Services Society for legal aid and legal aid has been refused.

Give your age and what grade you completed in school. (Or give the number of years of high school you completed if you didn't go to school in Canada).

3. The applicant cannot pay for a lawyer.

4. Representation of the applicant by counsel is essential to a fair trial and to the ability of the applicant to make full answer and defence. The applicant believes that the charges are serious and complex. The applicant is _____ years old and his/her level of education is _____.

5. The appropriate remedy is a stay of proceedings until the necessary funding of counsel is available.

THE CONSTITUTIONAL ISSUES TO BE RAISED AND PRINCIPLES TO BE ARGUED ARE:

6. The applicant relies on Sections 7 and 11 (d) and 24 (1) of the *Charter*, Section 650(3) of the *Criminal Code of Canada*.

7. Sections 7 and 11(d) of the *Charter* guarantee the applicant the right to a fair hearing in accordance with the principles of fundamental justice and accordingly require funded counsel to be provided if the accused wishes counsel, cannot pay a lawyer, and representation of the accused by counsel is essential to a fair trial: *R. v. Rowbotham* (1988), 41 C.C.C. (3d) 1 (Ont. C.A.).

8. Sections 7 and 11 (d) of the *Charter* also guarantee the right to make full answer and defence.

9. The proper remedy is a stay of proceedings pursuant to Section 24 (1) of the *Charter* until the necessary funding of counsel is provided: *R. v. Rowbotham* (1988), 41 C.C.C. (3d) 1 (Ont. C.A.).



IN SUPPORT OF THIS APPLICATION, THE APPLICANT RELIES UPON THE FOLLOWING:

- (a) the Affidavit of the applicant;
- (b) such further and other evidence as the court may permit.

Fill in this line at the registry.

DATED at _____, BC this ____ day of _____, 20 ____

Sign and print your name.

Applicant's signature: _____

Applicant's name: _____

Write in your address and phone number.

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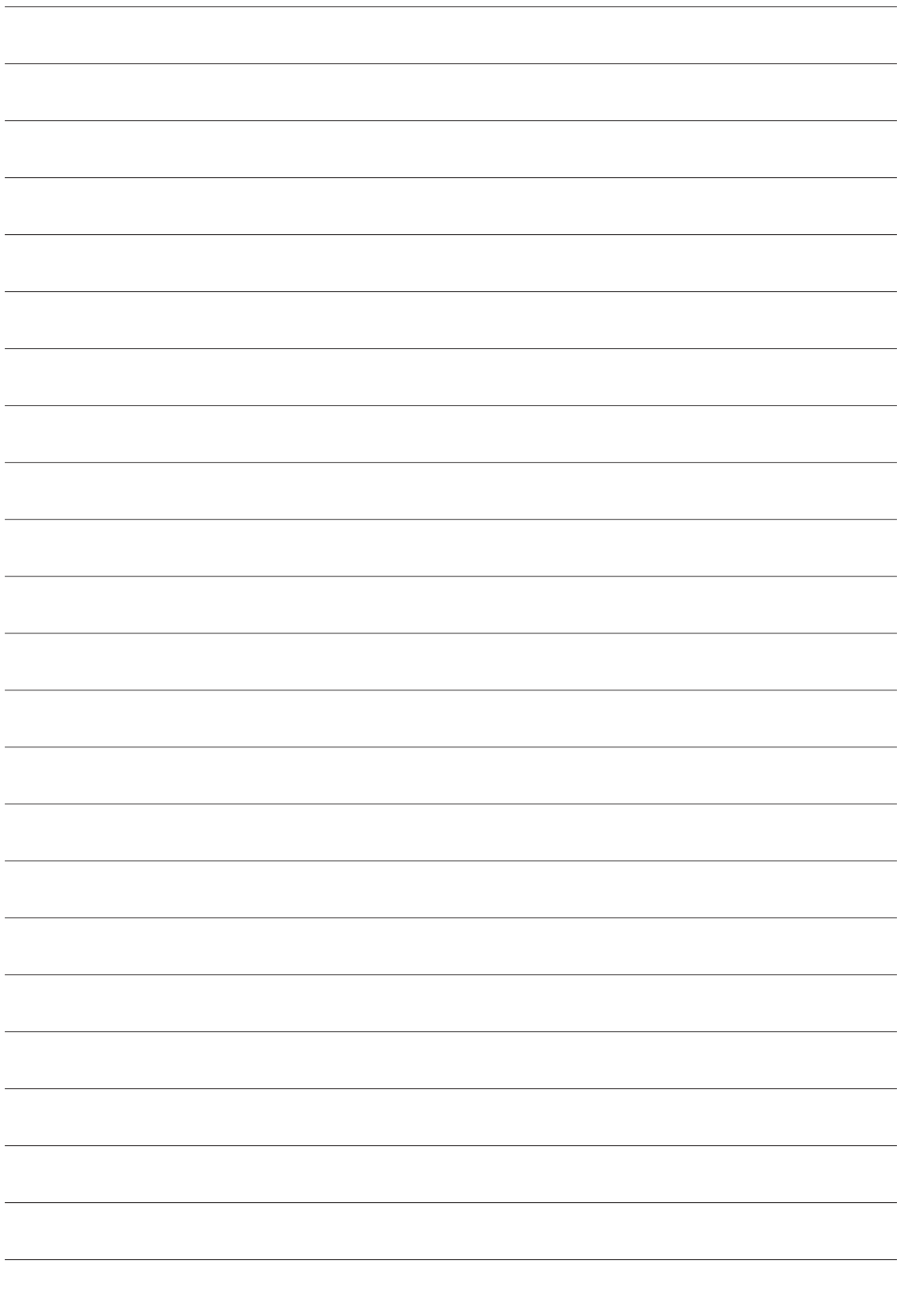
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Take these copies plus the original to the court registry. Ask for the **ADDRESS FOR SERVICE** of the local Crown counsel. Put one copy of this Notice of Application and Constitutional Issue and the Affidavit in an envelope and MAIL IT to this address (**copy 1**).

Then, MAIL ONE COPY of this Notice of Application and Constitutional Issue and the Affidavit to the ATTORNEY GENERAL OF CANADA. MAIL ONE COPY to the ATTORNEY GENERAL OF BC. The addresses are on this form (**copies 2 and 3**).

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