

ADULT SENTENCE PROCESS CHART

NOTE: An offence may be established as a third SVO by following the process under Presumptive (b) offence.

NON-PRESUMPTIVE

- 1 YP appears before court
- 2 Crown gives notice to YP AND court before plea or, with leave, before trial, of intent to seek adult sentence
- 3 YP makes election
 - if **elected**, preliminary inquiry held
 - if **committed to trial**—see step 4
- 4 YP enters plea
 - if **not guilty** plea—trial date set
 - if **guilty** plea—see step 8
- 5 Trial
- 6 court decides whether guilty or not guilty
- 7 if finding of guilt or guilty plea—Crown applies for adult sentence
- 8 hearing to determine youth or adult sentence [s.71](#)
- 9 if youth sentence ordered—sentencing hearing
- 10 if adult sentence ordered—sentencing hearing and hearing for custody placement [s.76](#)

PRESUMPTIVE (A)

- 1 YP appears before court
- 2 Crown **NOT required to give any notice**
Crown **may give notice** at any time that they will NOT seek an adult sentence. If they do, the court orders that the YP is NOT liable to adult sentence. A ban on publication is put in place.
- 3 YP makes election
 - if *elected*, preliminary inquiry held
 - if **committed to trial**—see step 4
- 4 YP enters plea
 - if **not guilty** plea—trial date set
 - if **guilty** plea—see step 8
- 5 Trial
- 6 court decides whether guilty or not guilty
- 7 if finding of guilt or guilty plea—court must ask if YP will apply for youth sentence under [s.63\(1\), s.70](#) if the YP does not apply for a youth sentence an adult sentence is imposed
- 8 if YP applies for youth sentence—hearing to determine youth or adult sentence [s.71](#)
- 9 if youth sentence ordered—sentencing hearing and publication hearing under [s.75](#) if one is applied for
- 10 if adult sentence ordered—sentencing hearing and hearing for custody placement [s.76](#)

PRESUMPTIVE (B)

- 1 YP appears before court
- 2 Crown gives notice to YP and NOT the court of intent to establish that offence is a third SVO
Crown also gives notice to YP AND court before plea or, with leave, before trial of intent to seek adult sentence
- 3 YP makes election
 - if **elected**, preliminary inquiry held
 - if **committed to trial**—see step 4
- 4 YP enters plea
 - if **not guilty** plea—trial date set
 - if **guilty** plea—see step 8
- 5 Trial
- 6 court decides whether guilty or not guilty
- 7
 - if finding of *guilt* or guilty plea—SVO hearing s.42(9)
 - if **SVO**—Crown must establish (this would include YP admitting or Crown proving) there were at least two prior SVOs s.68
 - if **not established**—Crown may apply for adult sentence s.68(5)
 - if finding of **prior SVOs**—court must ask if YP will apply for youth sentence under s.63(1), 70
- 8 if YP applies for youth sentence—
hearing to determine youth or adult sentence s.71
- 9 if youth sentence ordered—
publication hearing under s.75
if one is applied for, and sentencing hearing
- 10 if adult sentence ordered—
sentencing hearing and hearing
for custody placement s.76