

Gladue Rights at Bail and Sentencing

If you're Aboriginal and waiting for bail or sentencing, you have legal rights called Gladue rights. This means the judge has to think about your experiences as an Aboriginal person and options other than jail when deciding your bail or sentence.

A Gladue report or submission helps the judge know about your background.

Arrest

Tell your lawyer if you're Aboriginal. The judge needs to know to apply your Gladue rights.

When Gladue applies

Held in custody

OR

Released

with promise to appear

Prepare for your bail hearing

Get a Gladue report or prepare a submission to give the court.

You can **ask for a delay** to get more time to prepare.

Bail Hearing

Pre-trial custody

OR

Released

with conditions

First appearance

Plead Not Guilty

OR

Plead Guilty

First Nations Court

If you plead guilty, you may be able to go to First Nations Court.

Trial

If you're found **not guilty**, you're released. If you're found **guilty**, set a sentencing date.

Prepare for your sentencing hearing

Get a Gladue report or prepare a submission to give the court.

You can **ask for a delay** to get more time to prepare.

Gladue also applies at:

- Parole hearings
- Appeals
- Mental health review board hearings

Sentencing Hearing



Legal Services Society
British Columbia
www.legalaid.bc.ca

For more information: aboriginal.legalaid.bc.ca