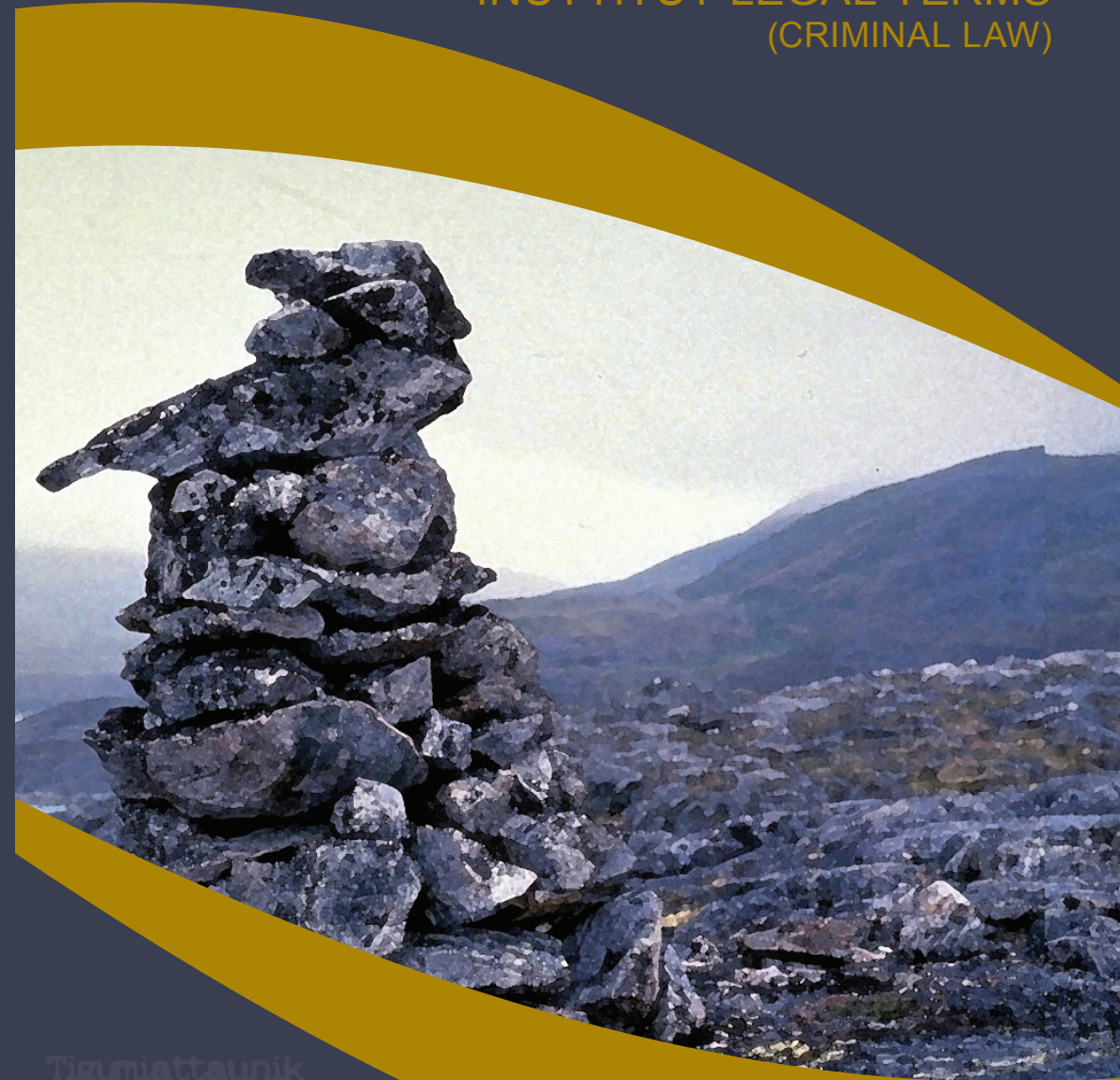


MALIGATSAIT UKAUSINGIT
(PILUKÂTTET MALIGATSANGIT)

INUTTITUT LEGAL TERMS
(CRIMINAL LAW)




Newfoundland
Labrador

Department of Justice

Tigumiattaunik

Pasigatsaugasugi Jaungngituk

Idluatsagatsanguttitaujuk

Takujausimangngikalualuni Kaujima Jaujuk

Nalunagunnaisianninga

Ippigi Jaugunnamangat

Douglas Wharram
Kristen O'Keefe
ÂkKisuijek/Editors

Maligatsait UKausingit (Pilukâttet Maligatsangit) Inuttit Legal Terms (Criminal Law)

First Edition, 2007

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Pigiasitutet / Foreword

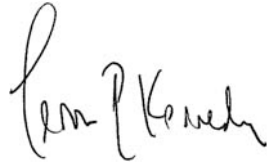
Access to justice is a cornerstone in our justice system. But it is important to remember that access has a broad meaning and it means much more than physical facilities. One of the key considerations in delivering justice services in Inuit and Innu communities is improving access through the use of appropriate language services.

I am extremely pleased with the development and release of this glossary of criminal justice terms which has now been translated into Inuttitut. This will be an important resource which will standardize translated and interpreted terms and concepts for aboriginal people across justice settings and services.

I am equally pleased about the way we have been able to develop this resource. This has involved many partnerships with organizations and individuals who are also committed to addressing language barriers for people in the justice system. From the beginning, the Department of Justice has received tremendous support from such external organizations as the Department of Education, Memorial University of Newfoundland, the College of the North Atlantic, Public Legal Information Association of Newfoundland and Labrador, the Labrador Advisory Committee for the Aboriginal Interpreting Initiative (which includes aboriginal representatives as well as justice system and College officials) and the Department of Labrador and Aboriginal Affairs, including the Northern Strategic Plan. However, it is important to note that without the support and direct involvement of the Innu and Inuit translator/interpreters from Nain, Rigolet, Natuashish, North West River, Sheshatshiu and Happy Valley-Goose Bay, this project would never have been possible. Your determination to come together on several occasions and work to develop this resource for the use of individuals, communities, students, and the justice system deserves recognition. Finally, I would like to recognize the efforts of those officials within the criminal justice

system who have taken a particular interest in assisting with the language workshops. The commitment in many areas has been exceptional but especially so with Legal Aid and Public Prosecutions in Labrador.

Through this project, we have been able to define a common goal which has required the skill, knowledge and perspectives of many. My sincere thanks go to all who have contributed to such a meaningful initiative.

A handwritten signature in black ink, appearing to read "Jerome P. Kennedy". The signature is written in a cursive, flowing style.

Jerome P. Kennedy, Q.C.
Minister of Justice
and Attorney General

Acknowledgments

In addition to the Inuit and legal collaborators, we also acknowledge the assistance of the following individuals: The Honourable William English (Provincial Court), The Honourable John Joy (Provincial Court), Derek Austin, Joyce Decker and Emily Sheppard (College of the North Atlantic), and Beatrice Dickers (Labrador Institute).

We would also like to thank Nunavut Arctic College for allowing us to adapt their Legal Glossary for use in the Inuit and Innu Interpreters Training Programme. Arctic College has generously shared its resource material for adaptation for our local context.

Sunalittâ mangât / Preface

Background

The need for trained interpreters in the Labrador criminal justice system has been evident for many years. The Labrador circuit is one of the busiest in the province and a significant number of the defendants and witnesses do not speak English as a first language. The unfortunate practice of finding an Inuttitut or Innu-aimun interpreter under pressure of time is now recognised to be detrimental to the best interest of people who must deal with the court system.

In 2006, the Newfoundland and Labrador Department of Justice (DOJ) commissioned a report,¹ which identified the provision of trained court interpreters for Innu-aimun and Inuttitut as being of the highest priority. In the Spring of 2007, the Department of Justice approached the Faculty of Arts, Memorial University, and requested that Dr. Marguerite MacKenzie and Dr. Douglas Wharram of the Department of Linguistics facilitate workshops on the translation of criminal court terms in Innu-aimun and Inuttitut, respectively. Kristen O'Keefe, a trained lawyer and Executive Director (Acting) of the Public Legal Information Association of Newfoundland and Labrador (PLIAN), was contracted to participate in the workshops as a resource person providing legal expertise.

Workshops

Three sets of workshops were held in 2007: Inuttitut, 31 July - 2 August and 28-29 September; Sheshatshiu Innu-aimun, 17-19 July and 24-28 September; and Mushuau-aimun (Natuashish), 26-29 November. Experienced Inuit and Innu interpreters and translators were invited to work with the linguists and Ms. O'Keefe. Lawyers from the Goose Bay

¹ Hanrahan, C. (2007) "Developing a strategy for Court Interpretation Services". St. John's: Institute for the Advancement of Public Policy, Inc..

offices of the Newfoundland and Labrador Legal Aid Commission joined the workshops to provide additional legal expertise.

Over the course of the two workshops, a core set of nearly 500 terms used in the criminal justice process were translated and now appear in this glossary. Three separate glossaries were developed out of these workshops: This one, for Inuttitut, and two separate glossaries for the distinct dialects of Innu-aimun, spoken in Sheshatshiu and Natuashish.

Methodology

Before the workshops, much of the data from the Nunavut lexicon prepared at Arctic College,² over 900 terms in Inuktitut, English, and French, with an English explanation, were entered into a database. Approximately 300 terms identified as having to do with the criminal justice process were tagged in the database. Keywords for subcategories and a number of additional terms were also entered.

During the workshops, the list of words to be translated was projected on a screen for discussion by all participants. The lawyers explained each term, and gave examples of how it may be used during the various stages of the judicial process. Inuit and Innu speakers and the linguists discussed various translations and a final version was entered into the database in a standardised spelling. Terms from the first workshop were reviewed during the second workshop, and a number of new terms were also added. Some additional terms needed to interpret in cases of sexual assault have been placed in a separate list following the main glossary.

Notes on the orthography used

A decision had to be made as to how to consistently represent the double “ng” sounds, as the sounds are represented in a number of ways in Labrador orthography. For example, the agreed-upon term for “confidential” might show up in Labrador writing in any of the following ways:

² Brice-Bennett, D. et al. (1996) *Legal Glossary*. Iqaluit: Nunavut Arctic College.

- (1) a. SiammatitaugiaKngituk
b. SiammatitaugiaKanngituk
c. SiammatitaugiaKangngituk
d. SiammatitaugiaKangituk

That is, the sounds might be written as (a) ng (underlined); (b) *nng*; (c) *ngng*; or (d) simply as *ng*, as if it were a single sound. A slightly larger minority of the participants in the workshops favoured the (c) option (*ngng*) over the other options, so that is what is used in this glossary.

Similarly, in recent years, the “capital K” sound (for linguists, the voiceless palato-velar fricative sound) has begun to be typed as **ƙ** when not capitalised, and **K** when capitalised. Indeed, this was the method used throughout much of the drafting of this glossary. However, consultation with a number of speakers revealed that they found the **ƙ** symbol to be difficult to distinguish from the **k** symbol at quick glance, which is of some importance in an interpreting context. As such, the “capital K” sound is typed throughout this glossary as **K**, regardless of its position in a word.

Neither of these editorial decisions should be taken as endorsement, on the part of the editors, of any particular orthography over the others. We simply used what worked best for us at this time.

Linguistic issues

The languages spoken by the Innu and Inuit are significantly different in grammatical structure from English. The vocabulary contains a relatively small number of nouns and a very large number of verbs, often making it difficult to translate an English term by the same part of speech (e.g., noun to noun). In many cases, a verbal form is used and, in some cases, an explanatory phrase is necessary. Some general principles of translation that were followed were: use a third person or impersonal form, rather than the second person form that might be used when speaking to a defendant or witness; use a noun, if possible, for an English noun; aim for the shortest, yet most accurate, translation. Note that Inuttitut is a gender-neutral language, and that verb endings can be translated equally as ‘she’ or ‘he’.

Legal terminology is difficult for the average speaker of English to understand. The legal terms used in the criminal justice system are often a shorthand way of speaking about often complicated concepts and processes. The translations done by the workshop participants represent the result of a very short and intensive training in these concepts, and will no doubt be revised in future as the interpreters gain more training and experience with the court system.

Maligatsait UKausingit (Pilukâttet Maligatsangit) Glossary of Legal Terms (Criminal Law)

Aboriginal court workers

NunaKakKâsimajuit idluatsaivinginni Ikajuttet

Persons employed in the justice system to assist Aboriginal persons and to help ensure that they receive assistance for proceedings of the court, if desired.

Absolute discharge

Anittitaullagittuk

When a person is found guilty of an offence (s)he is usually said to be “convicted.” A conviction is what goes on to a criminal record. In some cases, where a person is found guilty of an offence, but it is in the best interests of the offender and it is not against the public interest, a court may grant the offender an absolute discharge. This means that the offender is not penalised in any way and does not have a record for a criminal conviction. A discharge may also be conditional. In such cases the offender must fulfill a condition, such as a period of probation or the payment of restitution, before the discharge becomes absolute. Criminal Code Section 730. See Conditional Discharge.

Absolute Jurisdiction Offence

Prâvinsimenginnagialet

All criminal offences are proceeded with by indictment or by summary conviction. This division is one of more serious and less serious offences. Most offences which are proceeded with by indictment, namely the more serious offences, allow the accused person to have a

jury trial if (s)he wishes. There are a few indictable offences, listed in the Criminal Code, which occupy a middle ground. They are more serious than offences proceeded with summarily but not so serious that the law entitles the accused to a jury trial. These offences are called absolute jurisdiction offences, meaning that they are tried by a provincial court judge without a jury. Criminal Code, Section 553.

Accident*PijâkKumiungituk*

In criminal law, accident may give an accused person a complete or a partial defence. An unintentional killing may be no crime at all, or it may be the less serious crime of manslaughter. Even an accidental killing, however, may be murder if the accused caused the death by an unlawful act or by negligence. A court would have to examine the circumstances of each case.

Accidental death*PijâkKumiungituk tuKujuk*

A death for which no individual is to blame. For example, drowning.

Accuse*Pasitsik*

To allege or claim that someone has committed a crime.

Accused [also: Defendant]*Pasigatsak*

A person who is accused or charged with a criminal offence.

Accused election*Idluatsataugialiup piusigigumajanga*

Except for absolute jurisdiction offences, where the accused cannot have a jury trial, and certain serious offences such as murder where an accused normally must have a jury trial, an accused who is tried on indictment can choose the court in which (s)he is tried. (S)he may be tried by a Provincial Court judge without a jury, by a Supreme Court judge without a jury or by a Supreme Court judge with a jury. This choice is called the accused election.

Acquittal / Acquitted*Kujanâttaujuk*

A finding by a court that an accused person is not guilty of the offence with which (s)he was charged.

Act [also: Law, Statute, Legislation]*PikKujak / Maligatsak*

A law, or piece of legislation, made by the Parliament of Canada or the Legislative Assembly of a Province or Territory, for example, the Child, Youth and Family Services Act. Also called a statute.

Actus Reus*Pilukalittuk*

A criminal offence consists of both a wrongful act and the intention to commit that act. The wrongful act is referred to by the Latin term *actus reus*. Committing a wrongful act, or *actus reus*, without the intention of doing so is not a criminal offence. For example, if I take your snowmobile believing it to be my own, I have not committed theft. See also *Mens Rea*.

Admissible*Atuttausok*

See Admissible Evidence.

Admissible evidence*Atuttausiasongugummangâta takugatsait*

In order to make its decisions a court relies upon evidence, given by a witness or witnesses (a witness is a person who heard, saw, did, or knows something relevant about the case). There are many rules which determine whether or not a piece of evidence will be accepted by a court. Evidence which will be accepted, as conforming to these rules, is called admissible evidence. Evidence which does not conform to the rules will not be accepted and is termed inadmissible. See also Evidence; Witness.

Affidavit

Allattausimajuk nalâgojunik nalunaikkutak

An affidavit is a statement made in writing under oath.

Affidavit of service

Âjausimajuk

An affidavit is a statement, in writing, made under oath. Service refers to the act whereby a document is officially given to a participant in legal proceedings. An affidavit of service is the sworn, written statement of the person who gave the document to the participant that (s)he did so. It is proof that the participant to the proceedings received the document.

Affirmation

Suliniannigânnik

A solemn declaration by a person who does not wish, for reasons of conscience, to swear an oath on the Bible or other sacred scripture (e.g., the Quran of Islam).

Aggravated assault

Pijaullagisimajuk

An assault in which the accused wounds, maims, disfigures or endangers the life of the victim. Criminal Code, Section 268.

Aggravated sexual assault

Uivisâlukattaulagisimajuk

A sexual assault in which the accused wounds, maims, disfigures or endangers the life of the victim. Criminal Code, Section 273(1).

Alcohol consumption

Imialuttomajuk

Drinking alcohol. The amount of alcohol consumed can determine whether a driver of a motor vehicle is guilty of impaired driving. Alcohol consumption can be an important issue in many criminal cases since it can have an effect on the intention of a person to commit a crime.

Alibi*Kaujimaugutilik*

The defence in criminal law that the accused was somewhere else when the crime took place. For example, "I could not have committed the assault at the hotel in Hopedale because at the time I was in Happy Valley-Goose Bay. Therefore I have an alibi and should be found not guilty."

Amend the information*Asianggutitsinik*

To make a change to the court document that states the offence with which an accused is charged.

Appeal*kamagjauagi allagumannik*

A request that a decision made by a court be reviewed by a higher court on the grounds that the lower court made a mistake.

Appearance notice*SakKigiamut Kaujititsiutik*

An order issued by a peace officer that a person attend court at a certain time and place. An appearance notice is used by a peace officer to compel a person to attend court when the circumstances of the alleged offence are such that the peace officer does not have the legal power to arrest the person.

Applicant*Kinugautiliuji*

In court proceedings, the party asking the court for a ruling or decision.

Application*Kinugautik*

A request to a court for a ruling or decision.

Application for interim release*Anittitaugumagutinga*

The request, to a court, of a person charged with an offence and kept in custody, to be released from custody until the trial.

Arraignment*Atuatsiviunik*

The formal reading of the charge(s) to the accused in Supreme Court.

Arrest (noun)*Tigujaunik*

The act of placing a person in custody, according to law. The powers of ordinary citizens and peace officers to arrest a person are set out in the Criminal Code.

Arrest warrant*Nalunaikkutakkut tigusinik*

There are situations in which an arrest can be made without a warrant. There are even situations in which an ordinary citizen, not a peace officer, can make an arrest. But, in a number of less serious offences, a peace officer is not supposed to make an arrest unless (s)he has a written authorisation from a justice of the peace to make the arrest. This written authorisation is called an arrest warrant.

Arson*lkititsinik*

The crime of deliberately setting fire to property. Criminal Code, Sections 433-436.

Ask to be excused*Pettaugumajuk*

To request to be released from some obligation. For example, "The juror asked to be excused from jury duty because she had a small baby to look after".

Assault*Pinninik*

A person who directly or indirectly intentionally applies force to another person, or attempts or threatens to do so, has committed an assault.

Assault; Beating*Ânitiginnik*

A type of assault.

Assault; Choking*Kimititsinik*

A type of assault.

Assault; Kicking*Tukinninik*

A type of assault.

Assault; Punching*Tilluinik*

A type of assault.

Assault; Pushing*Pingutsinik*

A type of assault.

Assault; Slapping*Patitsinik*

A type of assault.

Assault; Touching*Attuinik*

A type of assault.

Assault causing bodily harm*Pinninik ânnedluni*

An assault in which the victim suffers bodily harm. "Bodily harm" is defined in Section 2 of the Criminal Code as: "any hurt or injury to a person that interferes with the health or comfort of that person and is more than merely transient or trifling in nature." Criminal Code, Section 267.

Assault with a weapon*Pinninik pigilagutiKadluni*

An assault in which a weapon is used. Criminal Code, Section 267.

Assess credibility*Uppigijaugunnamangât*

When a judge or jury decides whether a piece of evidence or witness is reliable/believable, they assess the credibility of the evidence.

Assessment (Mental or Physical)*Kaujisattaunik*

Assessment means an assessment by a medical practitioner of the mental or physical condition of an accused and any observation or examination of an accused made in the course of that process.

Assessment process*Kaujisattauniup piusinga*

The process of considering and evaluating.

Attempted murder*Inuannigasuasimajuk*

The unsuccessful act of deliberately trying to kill a person. A serious crime, punishable by life imprisonment. Criminal Code, Section 239.

Automatic Review of Sentence/Disposition*Kimiggutaujuk inosuttuk pivallisimalimmangât*

When a young person (aged 12 to 17 years) is sentenced to custody for a period of one year or more, the law requires that the young

person be brought back to the Youth Court so that the Youth Court Judge can review the sentence and reduce it if appropriate.

Automatism

Kaujimasimangngituk

For a court to find that a person has committed a crime it is essential that the wrongful act was committed voluntarily. It happens at times that, for various reasons, a wrongful act is committed involuntarily. Thus a person might kill another while sleepwalking. (S)he is said to have acted in an automatic state and the defence of automatism is available to him.

Autopsy

TuKungajuk Kaujisattauninga

The examination by specialised medical practitioners of a dead body to ascertain the cause of death.

Bail hearing [also: Show cause hearing; Judicial interim release hearing]

Anittitaugajammangât tusâttaunik

A court proceeding in which a decision is made whether or not a person charged with an offence is to be released before the trial or kept in custody.

Balance of probabilities

Sulinitak

The standard of proof in non-criminal matters. It is to be compared to the standard of proof in criminal matters, proof beyond a reasonable doubt. Proof on a balance of probabilities means proving that something is more probable than not. It is a much lower standard of proof than proof beyond a reasonable doubt, where the court must be sure that the accused committed the crime with which (s)he is charged.

Ballistics expert

Pinniagutiusimajunik Kaujimajuk

Experts on the properties and behaviour of firearms and other

weapons (e.g., bow and arrow) that can hurl a projectile (such as a bullet) through the air.

Ban on publication*TusagatsaliuttaugiaKangngitut*

A court order that prohibits the publication of evidence and/or the names of individuals. Commonly used to protect the identity of victims in sexual assault cases.

Transition House / Safe House*Kimâgvik*

A safe house for the victims of family violence.

Be of good behaviour*Piujogialik*

To act in accordance with the law. A condition of every probation order is that the probationer keep the peace and be of good behaviour.

Bench warrant*Idluatsaijop tigujaubitsininga*

An order for the arrest of a person issued by a judge. For example, when a person fails to appear in court when required to do so the judge will issue a bench warrant.

Benefit of the doubt*PasijautuinnagiaKangngituk KaujisattauKâgani*

It is well known that the prosecution, to succeed, must prove the charge(s) beyond a reasonable doubt. It is part of this rule, that if there is a doubt, the benefit of the doubt must be given to the accused. See Reasonable Doubt.

Beyond a reasonable doubt*Nalunagunnaisianninga*

See Reasonable Doubt.

Biased*Pigumajamminik piutsaluajuk*

To be in favour of one side over the other in a dispute, but for reasons which are personal or in some other way irrelevant to the merits of the dispute. For example, "The judge said she preferred the evidence of the policeman to that of the mother because she felt the mother could not help but be biased in favour of her son, the accused."

Blameworthy*Pasijaugunnatuk*

A blameworthy act is an act which is in some way wrong and deserving of blame.

Blood sample*Augalâk*

A small amount of a person's blood. Sometimes the police are allowed to demand such samples, for example, in impaired driving cases where the accused cannot give a breath sample.

Blood splatter specialist*Auk sippaKisimanginganik Kaujisatti*

Where a person is seriously assaulted or killed in a way that results in blood being spilt, it has been learned that the spilled blood will form certain patterns which can show how the victim was hit, and with what. This is important information for crime investigators and those who have made a study of this are referred to as blood spatter specialists.

Breach*SiKumitsinik*

The breaking of a law or of an obligation.

Breach of probation*SiKumitsinik Udjitugialimminik*

The breaking of one or more conditions of a probation order. This is a criminal offence.

Breach of recognisance*SiKumitsisimajuk AkilekKujausimadlluni*

Undertakings and recognisances are official documents allowing a person in custody to be released before the trial date. Both will state when the person has to go to court and usually involve other conditions. A breach of an undertaking or recognisance is a criminal offence and can lead to the person being taken back into custody where (s)he might remain until the conclusion of the trial.

Breach of undertaking*SiKumitsinik Maligatsaminik*

Undertakings and recognisances are official documents allowing a person in custody to be released before the trial date. Both will state when the person has to go to court and usually involve other conditions. A breach of an undertaking or recognisance is a criminal offence and can lead to the person being taken back into custody where (s)he might remain until the conclusion of the trial.

Break and enter with intent*Itâsimajuk*

An offence in the Criminal Code. It involves the unauthorised entry of a building (nothing has to be broken) by a person intending to commit an offence in the building, such as theft. This is the charge used when there is no theft or other offence committed, perhaps because the person is caught before (s)he can steal anything. Criminal Code, Section 348(1)(a).

Break, enter, and theft*Itâsimajuk tillidluni*

This is the offence of making an unauthorised entry into a building and stealing something in the building. Criminal Code, Section 348(1)(b).

Breaking and entering*SiKumitsidluni itâsimajuk*

A slang expression describing the various break and enter offences.

Breathalyser*Aninnimik ottotik*

A tool for measuring the amount of alcohol in one's blood by breathing into a machine.

Breathalyser expert*Aninnimik Kaujisatti*

A person who has studied the breathalyser machine and its workings to such an extent that judges are willing to accept that (s)he is an expert and will receive opinion evidence from her/him.

British North America Act*BNA Maligatsanga*

Originally a law of England's Parliament, the British North America Act of 1867 provided the constitutional basis for the government of Canada after Confederation. Among other matters, it sets out the role of the courts and the relationship between the federal parliament and the provincial legislatures. It is now referred to as the Constitution Act, 1867, R-S.C. 1985, App. II No. 5.

Burden of proof / Onus of proof*Nalunaititsigialik*

Onus is a Latin word that means a burden, weight or responsibility. The party that has the onus of proof in a case is the party that has the responsibility to prove something. Thus, in criminal cases, it is always the Crown that has the responsibility to prove the charge(s). In civil cases, the party that has the onus of proof is the one that started the action, the plaintiff.

By-laws*Nunalet maligatsangit*

A law that applies only to a particular group or community, passed by a body other than a legislature.

Canada Evidence Act*kanatami Maligatsait Nalâgut SakKititaujunut*

This is a short piece of legislation that sets out some of the rules of

evidence. Much of the law of evidence is found in case law.

Case

killisiniagutitsak

Collectively, all evidence presented, arguments given, and decisions made with respect to one criminal matter.

Case Law

killisiniagutitsak maligatsak

Law based on precedent or the build-up of decisions in individual cases with similar facts rather than being strictly based on statute or code. However, case law can be useful for interpreting statutes or the written constitution, as different judges consider what the words in a statute have meant in different situations. See Common Law.

Cause of death

TuKosigisimajanga / TuKugutaujuk

The reason for someone's death.

Causing a Disturbance

Papvisâginik

Disturbing the public by conduct, behaviour, or speech.

Certain / Certainty [also: Absolutely certain]

Sulitsiajuk

Without doubt. Definite. Exact. Precise.

Challenge for cause

Akiniagutik piusiujumik

When a jury is being selected the prosecutor and the defence may object to the selection of a particular juror because the juror is not qualified to serve for one or more of a number of reasons set out in the Criminal Code. Some of these reasons are that the juror is not a Canadian citizen, or has been sentenced in the past to more than twelve months in jail, or is going to be biased against the Crown or the accused. Any number of such challenges may be made.

Challenge of the array*killigiudjijitsait nâmmagijaungitut*

The list of people from among whom a jury will be selected is called an array. If the Crown or the accused, prior to a jury trial, believe that the court officer responsible for putting together the list deliberately chose the people in a biased or prejudiced way, or did something fraudulent in making the list, the whole list, or array, can be challenged.

Chambers*ldluatsajjop illugusinga*

An old-fashioned word meaning rooms. It is still used to refer to a judge's office. Much legal business that does not have to be done while a court is in session is done in a judge's office and this is said to be done "in chambers". In practice, this kind of legal work is done in the courtroom where there is more space, but it is still referred to as chambers.

Change of plea*kiugutimminik asiangutitsijuk*

At some point in every criminal proceeding an accused person is asked for his plea. (S)he is usually expected to answer "guilty" or "not guilty." This is her/his plea. It sometimes happens that an accused who has pleaded "not guilty" asks to change her/his plea to "guilty". This is easily done. It happens less frequently that a person who has pleaded "guilty" asks to change her/his plea to "not guilty". If the Crown Attorney does not agree to the change in plea, the accused will have to persuade the court that (s)he should be allowed to do so. See also Plea.

Change of venue*Ininganik asiangngutitsijuk*

As a general rule, a trial takes place where the offence is alleged to have occurred. The place where the trial takes place is the venue of the trial. Occasionally, either the accused or Crown counsel apply to the court for the trial to take place in a different community for various reasons.

Change of venue application*Ininganik asiangngutitsigumajuk*

As a general rule, a trial takes place where the offence is alleged to have occurred. The place where the trial takes place is the venue of the trial. Occasionally, either the accused or Crown counsel apply to the court for the trial to take place in a different community for various reasons. The judge considers this change of venue application and may change the venue if it is in the interests of justice.

Charge (noun)*Pasijaugutik*

The alleged offence that an accused is said to have committed, and which the Crown must prove beyond a reasonable doubt.

Charge to the jury / Final instructions*Idluatsaijop uKausingit killigiudjjinut*

A jury consists of twelve ordinary citizens who are not expected to know the law. The presiding judge in a jury trial often tells the jury that it and the judge are a team, the jury being responsible for deciding what evidence to accept and the judge being responsible for telling the jury about those parts of the law it needs to know in the case it is judging. That part of the trial in which the judge tells the jury about the law is called the charge to the jury. It always takes place after all the evidence has been heard and after the lawyers have made their final speeches to the jury. When jury decisions are appealed to a higher court it is sometimes on the grounds that the judge made a mistake about the law during the charge to the jury.

Charter of Rights and Freedoms*kanatamiut Pivitsangita Maligatsangit*

The Canadian Charter of Rights and Freedoms has been part of the Canadian Constitution, the highest law in the country, since 1982. In addition to guaranteeing everyone in Canada certain fundamental democratic rights such as freedom of conscience and religion, freedom of the press, and the right not to be discriminated against, the Charter lists a number of rights which are of the greatest importance where a person is accused of committing a criminal offence. The rights that are protected in this way include the right to

be secure against unreasonable search or seizure, the right not to be imprisoned without good reason, the right to legal advice upon arrest and a number of other rights. The Charter gives a court power to exclude evidence if it is obtained in a way that breaches an accused's rights, or to give some other remedy such as a judicial stay of proceedings. The full text of the Charter is to be found in most editions of the Criminal Code.

Circumstantial evidence

Takujausimangngikalualuni Kaujimajaujuk

When the Crown, in a criminal case, wants to prove that with which the accused is charged, it usually tries to do so by calling evidence from the person or persons who actually witnessed the alleged offence. This is called direct evidence. However, it is not always possible to prove the alleged offence by direct evidence because it was not witnessed by anyone. It may still be possible to prove the offence by providing evidence of a number of other circumstances surrounding the commission of the offence. When all the circumstances are looked at it may be that the judge or the jury will conclude that there is only one reasonable conclusion to come to and that is that the accused committed the offence. A case that depended on circumstantial evidence was the O.J. Simpson case. The prosecution was unable to produce any witnesses who saw the murders and tried to prove its case by evidence of blood stains, the behaviour of the accused at the time, etc. Circumstantial evidence may be used in non-criminal, or civil, cases also.

Civil law

Immigojuut maligatsangit

1. The system of law used in most of Europe, and in Quebec, to govern private disputes. Any legal issues or disputes are resolved by referring to a comprehensive or complete "code" (a book of rules) which is supposed to include all the law. Judges are obliged to obey the code, and do not necessarily have to do the same thing as another judge in a similar case. It is contrasted with case law or common law.
2. Private law: the rules that govern relationships between individuals or groups of individuals (as opposed to public law, the laws that govern disputes where the government is on one side of the dispute, as it is in criminal law cases). Includes contract, tort, property, and

corporate law.

Committed to stand trial

Idluatsagatsanguttitaujuk

In all those cases where a person accused of a criminal offence has the choice of having a trial in the Supreme Court, that person is entitled first to have a preliminary inquiry in the Provincial Court. This is a hearing similar to a trial. The main purpose of this inquiry is not to judge guilt or innocence but to decide whether there is sufficient evidence against the accused person to justify putting the matter before a jury or a Supreme court judge to decide whether the accused is guilty or not guilty. If it is decided that there is sufficient evidence, the accused is committed to stand trial.

Common law

Allatausimangitut maligatsait

The system of law that governs private disputes in Canada outside of Quebec. Common law emerges over time as the courts decide many cases with similar facts, and develop a body of principles that link their decisions in similar cases. Judges make common law, not Parliament or legislatures, so we say common law relies on precedent rather than codified law or particular statute. Sometimes called case law, or referred to as unwritten law, or judge-made law. See also Case Law, Precedent.

Community court workers

Nunalet Idluatsaivinginni Ikajuttet

Legal aid court workers

Community service

SuliaKattitauKattatut akilittutaulugatik

In criminal law a judge may order a person found guilty of an offence to perform a set amount of community service. This is unpaid work. It is a form of restitution to the community to compensate for the harm done by the offence. Community service also has, of course, the ordinary meaning of voluntary work done by a person for the welfare of the community.

Complainant*Nâmmasingjuk*

The person who makes a complaint. In criminal law, the person who says that a crime has been committed.

Complaint*Nâmmasingik*

The statement by a person that a wrong has been done to her/him or to another person.

Concurrently*Taitsumanitsainak*

At the same time. If a person is convicted of two or more offences and is jailed for both or all of them, the sentences run either concurrently or consecutively. Thus a person sentenced to one month for one offence and one month for another offence to be served concurrently will only serve one month in total. See Consecutively.

Conditional discharge*MaligatsaKadluni anittitaujuk*

A conditional discharge is the same as an absolute discharge except that before the discharge becomes effective the person to whom it is granted must comply with one or more conditions. See Absolute Discharge, Discharge.

Confidential*SiammatitaugiaKangngituk*

Secret. Communications which are made on the understanding that they will be kept secret and not disclosed to unauthorised persons are made on a confidential basis.

Consciousness*Kaujimanik*

The state of being conscious, or aware.

Consecutively*kingulligellutik*

As opposed to concurrently. One after the other, not at the same time. For example, a person sentenced to two terms of imprisonment of one month each to be served consecutively would serve a total of two months. See Concurrently.

Consent*Angigutik*

Agreement. For example, an accused charged with sexual assault might say that (s)he did have sexual relations with the complainant but says that it was with the consent of the complainant - that the complainant agreed to the activity in question.

Constitution*PikKujatsasuak*

The supreme law of a country, that sets out the framework for government within a country. It says what different institutions of government (courts, legislatures, and executives) may or may not do, by defining the relationships between these institutions and also between individuals and the government. It is called the supreme law because all other laws and actions by government must obey constitutional law or principle. A constitution is not necessarily a written document - the United States has a written constitution, but England has an unwritten constitution that has developed over many years, and Canada has a combination of the two. See Constitution Act, 1982. R.S.C. 1985, App. II, No. 44.

Constitutional Law*PikKujatsasuami Maligatsait*

The body of law, including the written constitution and court judgements which interpret it, which sets the limits on allowable government actions by judging whether or not laws or actions obey the constitution, or supreme law of the country. Just as regular laws say what people can and cannot do, the constitutional law says what governments can and cannot do.

Contempt of Court*Idluatsaivimi sulijutsanginik*

The act of embarrassing a court by showing serious disrespect to that court or refusing to comply with an order of the court. Refusing to attend court when required to do so, refusing to answer questions, certain kinds of behaviour in court; all of these can be contempt of court.

Contend*Akigattunik*

To argue for a certain position. For example, “The Crown contended (or, it was the Crown’s contention) that the delays in the case were the fault of the Defence.”

Conviction*Pasijaunnik*

A formal declaration that someone is guilty of a criminal offence, made by the verdict of a jury or the decision of a judge in a court of law.

Counsel*IkKatuiji*

A lawyer.

Court / Court House*Idluatsaivik*

A place where trials are held.

Court of Appeal of Newfoundland and Labrador*Puttunippât Idluatsaivet Newfoundland Labradorimillu*

The Canadian court system recognises that judges can make mistakes. Therefore the decision of a judge can usually be reviewed by a higher court. In the Newfoundland and Labrador, the highest appeal court is the Court of Appeal (Newfoundland and Labrador). The next highest court is the Supreme Court of Canada.

Court order*Idluatsaivimmut tilijaugutinga*

When a question or a dispute is brought before a court the parties who bring that question or dispute to the court expect the court to decide who is right, if one of them is. By going to court, the parties are agreeing that they will comply with what the court decides. This is the order of the court, and the parties must follow it.

Court Registry*Idluatsaivimmi allaKautik*

A place where court orders are issued and files are kept and where various judicial tasks are performed.

Court workers*Idluatsaivinginni lkajuttet*

Persons who are employed to work with the Court in some capacity.

Credibility*Sulijugijaugunnalik*

The believability of a witness or of a piece of evidence. In a trial, a court frequently hears conflicting evidence. The judge or the jury has to decide what evidence, if any, it considers to be reliable. The court has to assess credibility. It is important to understand that a court, in saying that it does not find a piece of evidence to be credible, is not necessarily saying that it thinks the witness from whom the evidence came is lying. The witness may be lying, but equally, an honest witness may be mistaken.

Crime*Pilukannik*

An action or omission that constitutes an offence that may be prosecuted by the state and is punishable by law.

Criminal Code of Canada*Maligatsait Nalunaikkutalet*

A major piece of federal legislation in which are listed nearly all the criminal offences existing in Canada. There are few criminal offences

apart from those found in the Criminal Code. Some other federal statutes create criminal offences. The Code also contains the rules of criminal procedure.

Criminal Law*Pilukâttet maligatsangit*

That body of law which deals with crime, its prosecution, the defence of accused persons and the punishment of persons convicted of crime.

Criminal liability*Pasijaunnik*

Conduct which leaves a person open to being convicted of a crime is conduct for which a person is criminally liable.

Criminal negligence*kamatsianginimmut pilukasimajuk*

Criminal Code, Section 219, defines Criminal Negligence as follows: Everyone is criminally negligent who (a) in doing anything, or (b) in omitting to do anything that it is her/his duty to do, shows wanton or reckless disregard for the lives or safety of other persons.

Criminal prosecution*Idluatsataugutik*

The process of causing a person to be brought to court to answer to a criminal charge; the trial process. See Charge.

Criminal record*Nalunaikkutait pilukâsimanimmut*

A record maintained by courts and the police of the criminal convictions entered against a person. Frequently, a witness, including the accused if (s)he gives evidence, will be faced with his or her criminal record. In addition, where an accused person is convicted of an offence, the court that sentences the person may consider his or her criminal record.

Cross-examination*Apitsutaugiallanik*

This is the questioning of a witness by the lawyer for the opposing side. The object of cross examination is to obtain admissions from the witness favourable to the side the lawyer is representing. Cross examination is to be compared to direct examination, which is the questioning of a witness by the lawyer representing that witness's side. Different rules apply to the two forms of examination.

Crown counsel / Crown attorney / Crown prosecutor*kavamait ikKatuijinga*

In criminal cases, this is the lawyer who represents Her Majesty the Queen - that is; the government; the prosecutor.

Crown Election*kavamait IkKatuijingata piusigigumajanga*

The Crown counsel has the discretionary power to decide whether to proceed, either summarily or by indictment. This is called Crown Election.

Crown's opening submissions*IkKatuijiup pigiasiutingit killigiutjijinut*

In a jury trial, the lawyers are allowed to tell the jury, before the jury hears the witnesses called by them, what they expect their witnesses to say. The Crown always calls evidence first. The Crown's opening submissions provide an outline to the jury of what the Crown hopes to prove through the witnesses and help the jury to follow the evidence.

Cruelty to animals*PilukâKattatuk omajunik*

Cruelty to animals is a crime under the Criminal Code of Canada (Section 446).

Culpable homicide*Pijâgidluni tuKutsisimajuk*

The criminal law divides homicide into culpable and not culpable.

Where homicide is not culpable it is not an offence. For example, it is not a crime to kill another person where this is done in self-defence. Culpable homicide is a criminal offence. It may be murder, or manslaughter, or infanticide. Criminal Code, Section 222. See Homicide.

Curfew*AnegiaKangngituk*

A requirement/condition that a person remain indoors between specified hours, typically at night.

Custody*Tigujaunik*

1. The care and control of a thing. For example, where evidence such as weapons or drugs are kept in the custody of the Police.
2. Imprisonment.

Decision [also: Judgement]*Piusiugumajuk*

The final result of a case, determined by a judge or jury. Also, a ruling on a question, such as the admissibility of a piece of evidence, arising within a case, decided by a judge.

Defence case*Pasijaujop killisiniagutitsanga*

The evidence called by and the legal arguments made on the part of the defence, in a criminal or civil trial. The defence makes its case after the Crown in a criminal trial or after the plaintiff in a civil trial.

Defence counsel*IkKatuiji Pasijaujumut*

The lawyer representing the accused in a criminal trial or the defendant in a civil trial.

Defence of person*kinatuinnak pijauttailigasujuk*

The law concerning what a person is allowed to do to defend herself/himself or someone under her/his care. Criminal Code, Sections 34-37.

Defence of property*PiKutimminik paitsinik*

The law concerning what a person is allowed to do to defend her/his property, especially with respect to the use of force. Criminal Code, Sections 38-42.

Defences available to the accused*Ilonnatik ikajotigisongit pasijaujop*

In a jury trial the jury has to follow the law as the judge explains it. The judge will always explain to the jury what defences it may consider in the case. As a rule, there must be some evidence in the case giving rise to a defence. For example, the defence of self-defence would not be available to an accused in a murder case unless there was some evidence that the accused did what (s)he did to protect herself/himself from the deceased.

Defendant [also: Accused]*Pasigatsak*

1. In criminal law, another word sometimes used for the accused.
2. In civil law, the term for the party against whom the action is brought.

Deliberate (adjective) [also: Intentional; On purpose]*PijâkKumik*

Something done consciously and intentionally.

Demeanour*Ilusik*

The outward appearance and behaviour of a person. In deciding what they think of the evidence of a witness, judges and juries consider the witness's demeanour. Does the witness appear to be forthright and

honest? Did the witness try to answer the questions without trying to change the subject? Etc..

Diminished capacity*Isumanga nâmmasiangngituk*

A person is said to have diminished capacity where her/his ability to think and behave rationally and clearly has been reduced by age or illness. If a person's capacity is sufficiently diminished the courts will not accept as valid her/his signature to a will or other legal document.

Direct evidence*Kaujijaujop nalunaikutangit*

The evidence brought out by direct examination.

Discharge*Anittitaunnik*

To release a person from an obligation or a situation; e.g. "The accused was discharged following her/his acquittal by the jury", "The patient was discharged from hospital." See Absolute Discharge, Conditional Discharge.

Disclosure*SakKititsinik*

Commonly used in criminal law to mean the provision of details of the Crown's case to the defence. Usually it consists of copies of statements of witnesses and the accused given to the police. The courts have said that the Crown has an obligation to make complete disclosure to the defence.

Discredit*Uppigijaungituk*

Take away credibility; show that someone or something is not believable.

Discretion*Idluatsaijop isumatsasiugutinga*

In law, discretion is a term that is used to indicate that an official, usually a judge, has power to decide a certain matter as (s)he thinks best.

Discretionary warrant*Nalunaikkutak tiguisongugiamut*

Where an accused or a witness does not appear in court when required to do so, the judge may issue a warrant, or order, for the arrest of that person. If it is unclear why the person did not appear, and if the person may have had a good excuse, the judge may ask that discretion be used by the police in executing the warrant. The idea is that a person should not be taken into custody except for very good reason.

Disfigure*Ilutsiluttausimajuk*

To damage the good appearance of a person. It is a factor in some cases of aggravated assault. E.g., "The victim's nose was broken so badly that he was left permanently disfigured." Criminal Code, Section 268.

Dismissing the charges [also: Acquittal]*Kujanâttajuk*

More correctly, dismissing the information. This is what the judge does when the defendant is found not guilty. It is the same as being found not guilty.

Disposing of exhibits*Atuttaugesimajut takugatsait*

After a trial is over, an order will be made by the judge saying what should be done with any items of evidence that were made exhibits in the trial. Some exhibits might be destroyed, e.g., weapons or drugs, and others may be returned to their owners. The exhibits might thus be disposed of in different ways.

DNA*Timimmiutat*

Deoxyribonucleic Acid. A self-replicating material present in nearly all living organisms as the main constituent of chromosomes. It is the carrier of genetic information.

DNA order*Timimmiutanik Kinugautik*

A judge's order that a person must submit to a sample being taken of their DNA.

DNA test*Timimmiutanik Kimiggunik*

Testing that is done after DNA has been collected. It also refers to testing which is done to determine whether DNA has been left behind after a crime has been committed.

Doctor's report*Ânniasiutiup Kaujititsiutinga*

A written report from a physician.

Doctrine of Recent Possession*Tillisimagasugijaujuk*

The unexplained possession, by an accused, of recently stolen property, is sufficient to allow a court to infer, or come to the conclusion, that the accused is guilty of theft, or a similar crime.

Driving prohibition*IngiggautikkogiaKangngituk*

Where a person is convicted of impaired driving, the court must prohibit that person from driving for a period of time. In other offences involving motor vehicles, the court may also prohibit a convicted person from driving for a period a time. Criminal Code, Section 256.

Dual procedure [also: Hybrid offence]*Magguilingajuk pusiugajattuk*

Terms given to those offences where the Crown has a choice, or election, to treat the offence either as a summary conviction or an indictable matter. If the Crown elects summarily, the accused may not have a jury trial but is subject to a lower maximum term of imprisonment. If the Crown elects to proceed by indictment the accused is entitled to a jury trial but is liable to longer terms of imprisonment. See Absolute Jurisdiction Offence, Crown Election.

Duress [also: Compulsion]*PikKotaujuk*

The causing or compelling of a person to do something against that person's will. It is a defence, in criminal law, in some circumstances.

Duty counsel*Sivullipâmik idluatsataugialiup IkKatuijinga*

Lawyer at court who can help the accused through the initial court process, except at trial; assists people who are arrested.

Dwelling Place*Angiggak*

A dwelling place is a person's home. Domicile refers to the country or province in which a person lives on a permanent basis.

Elders*InutuKait*

Mature and respected members of the community to whom others turn for advice and direction.

Empanelling*Annigusunnik*

The process whereby the sheriff, a court official, arranges for a number of people in the community to be summoned to court for jury service.

Essential elements*IkKanattuit*

When a person is charged with a criminal offence, the offence is always written down in a document called the information or indictment. Since there are no criminal offences in Canada except for those in the Criminal Code, and a few other statutes, the offence set out in the document must be one found in the Code or another criminal statute. However, the Crown can add details to the barebones offence. The Crown is then required to prove each element, or ingredient, of the offence. If the Crown adds details, it must prove those also. These are the essential elements. In a jury trial, the judge always tells the jury what these ingredients are so that the jury can decide whether the Crown has proved each one. Annotated copies of the Criminal Code such as Martin's and Tremear's contain useful commentaries which indicate the essential elements of all offences.

Evidence*Nalâgut sakKititaujut*

Information with respect to a matter being considered by a court, provided usually through witnesses who have sworn under an Oath or Solemn Affirmation to tell the truth. The court considers this evidence, and only this evidence, in deciding the matter.

Evidence against the accused*Pasijaujop pasijaugutingit*

Evidence which is indicative that the accused is guilty of the offence charged.

Evidence in favour of the accused*Pasijaujop pasijaugutigingitangit*

Evidence which supports the contention that the accused should not be found guilty of the offence charged.

Examination in chief [also: Direct examination]*Apitsutik*

This is the questioning by a lawyer of a witness (s)he has called in support of her/his case. Compared to cross-examination. Although many of the rules concerning the proper way of conducting direct

examination and cross-examination are the same, some important ones are different. In direct examination the lawyer is supposed to ask questions in such a way that the answer is not suggested to the witness. In contrast, in cross-examination, it is quite correct to make suggestions to a witness.

Exclusion of witnesses

AtautsikogiaKangngitut takunnasimajut

An order to have the witnesses remain outside the courtroom before testifying.

Excuse from jury duty

killigjudjijunit pejaugumajuk

When a person receives a summons for jury duty the law requires her/him to attend unless (s)he is excused by the judge.

Exempt occupations

SuliaKattet ilautitagunnangngitut

Jobs which allow those people doing them to be excused from a duty which all others have to perform. For example, the Newfoundland and Labrador *Jury Act* of 1991 disqualifies certain occupations from jury duty. See the Newfoundland and Labrador *Jury Act*, 1991, Section 5.

Exhibit

Takugatsak

A piece of physical evidence, e.g., a document, a weapon, video, photograph, a narcotic etc., produced to a court in a trial. Also used as attachments to an affidavit.

Exhortation to a hung jury

OttugiallaKujjuk

In a criminal trial the verdict of the jury must be unanimous. Sometimes the twelve people of the jury cannot agree. This is known as a hung jury. When this situation occurs, and the jury tells the judge that it cannot agree, the judge usually asks the jury to try again to reach agreement, explaining that if the Jury is unable to agree it will be necessary to declare a mistrial and start all over again with a new jury. The judge can only exhort, or encourage, the jury to

try to reach agreement. (S)he cannot insist.

Expert witness*Kaujimallagijuk*

Expert who testifies in court. The court must first qualify someone as an expert witness before they can testify as such. This requires an inquiry into the person's education, work experience, and other qualifications.

Expertise*Kaujimallagiutik*

Expert skill or knowledge in a particular field.

Experts*Kaujimallagijuk*

Someone who possesses expert skill or knowledge in a particular field.

Explicit*UKatsiamagittuk*

Stated clearly and in detail.

Extrajudicial measures*Inosuttuit inittitaugusingit*

Measures other than court proceedings used to deal with a young person who has allegedly committed an offence. Examples include police warnings and cautions, referrals to community programs and extrajudicial sanctions.

Extrajudicial Sanctions [also: Alternative Measures]*Inosuttuit asiagut kamagijaujut*

A programme which may be used to deal with a young person alleged to have committed an offence that cannot be dealt with by a warning, caution or referral.

Eyewitness*Takunnasimajuk*

A person who saw what occurred.

Failure to appear*Idluatsaivimmosimanginik*

Where an accused or a witness does not go to court despite being ordered to do so. Unless there is a good excuse such a person may be convicted of a criminal offence. Criminal Code, Section 145(2).

Failure to Comply*Maligialimminik malingngituk / Maligunnasimangituk*

Where a person is ordered to follow certain conditions, whether as part of a release document (such as an undertaking) or probation, (s)he must abide by those conditions. If that person fails to follow one or more of those conditions, (s)he may be charged for failure to comply.

Failure to stop at the scene of an accident*NukKasimangngituk pilukasimajuKatillugu*

Failure to stop one's vehicle, vessel, aircraft when involved in an accident, to identify oneself or to offer assistance to victims, in order to escape criminal or civil liability. Criminal Code, Section 252.

False*Sulingngituk*

Not genuine, authentic, or genuine.

Family law*Ilaget maligatsangit*

An area of law dealing with family relations, including divorce, adoption, paternity, custody, and support.

Fear*Ilimasuk*

The emotion of being afraid.

File (verb)*Titigattausimajut*

To give the court a copy of any documents relating to a court case, for example, an application or an affidavit. The court keeps a complete set of documents, and it is up to the lawyers or parties to provide the court with the necessary documents at the required time.

Final submissions*IkKatuijet akigattotingit*

What the lawyers say to the court at the end of the court proceeding, before a decision is made on a particular issue.

Fine*Akiligatsak*

The punishment of having to pay money to the court.

Fingerprint expert*Aggait putjunginnik Kaujisatti*

Everyone's fingerprints are different. In committing a crime, the criminal often leaves her/his fingerprints on various surfaces. These can be seen and studied for comparison with the fingerprints of known criminals, a record of which is kept by the police. The specialists who do this work are fingerprint experts. If fingerprint evidence is used in court it would be explained by one of these experts.

Fire expert*Ikualligiji*

A specialist in determining the cause of fires. Often called as an expert witness in arson cases.

First appearance*Ildluatsataugijuk*

The first occasion on which a person charged with an offence goes to court in connection with that charge.

Fit to stand trial*Idluatsatausok*

A person is unfit to stand trial who, because of mental disorder, is unable to understand the proceedings, or its consequences, or communicate with a lawyer. All others are fit to stand trial. Criminal Code, Sections 2 & 672.1. See Unfit to Stand Trial.

Forensic pathologist*Kaujisattik tuKungajunik*

A medical doctor specialising in causes of death.

Foreperson*Aulatsiji*

A person selected by the members of a jury to act as a chairperson in its deliberations.

Forfeiture*Atsâtaunnik*

The loss of a right, money, or property, because of one's criminal act, default, or failure or neglect to perform a duty.

Fraud*Uivegginiattuk*

Wrongful or criminal deception intended to result in financial or personal gain.

Genuine*Sulijuk*

The real thing; not fake. It is a word used in the offence of using a forged document. Criminal Code 1996, Section 368.

Giving contradictory evidence*Magguilingajuk*

The giving of evidence that tends to disprove other evidence already given.

Guilty*Pisimajuk*

The finding of a court that the accused is to be blamed for the offence with which (s)he was charged. Something done wrong that a person can be blamed for.

Guilty as charged*Pasijaujuk*

The verdict that an accused is guilty of the exact offence with which (s)he was charged.

Handwriting expert*Allatausimajunik Kaujisatti*

A specialist who analyzes samples of handwriting to give her/his opinion as to whether it is the handwriting of a certain person, or a forgery.

Hearing*Kaujisataunnik*

A general term for any court procedure in which evidence is taken and legal argument made.

Heat of Passion*Tagvangatuinnânik*

A loss of self-control involving great anger. Culpable homicide that would otherwise be murder may be reduced to manslaughter if the person who committed it did so in the heat of passion caused by sudden provocation. A loss of self-control involving great anger. Criminal Code, Section 232.

Homicide*TuKutausimajuk*

The killing of one person by another.

Hung jury*AngiKatigegunnangiumajut killigiutjijet*

A jury of 12 persons who are unable to decide on the verdict of the

case they are judging.

Illegal [also: Unlawful]

Maligatsanik siKumitsujuk

Contrary to or forbidden by law.

Impaired

Ippiniak

Reduced ability to perform a task. It is a term most commonly found in the offence of driving a motor vehicle when under the influence of alcohol or a drug. Criminal Code, Section 253(a).

Impaired driving by use of alcohol

Talangadluni ingiggautikkojuk

Driving while your ability to operate a vehicle is reduced, due to the use of alcohol.

Impaired driving by use of drugs

Ippinialukadluni ingiggautikkojuk

Driving while your ability to operate a vehicle is reduced, due to the use of drugs.

Impartial

Adjigettisinik

Favouring neither one side nor the other; fair.

Implicit

UKatsiangituk

Something that is not clearly stated in a statement or behaviour but is contained within the meaning of the statement or behaviour when properly understood. E.g. "Implicit in the unusually heavy fine imposed by the judge was her/his severe disapproval of the accused's behaviour."

Imprisonment*Pannanaittaunik*

The act of placing a person in prison (jail/gaol).

Inadmissible*Atuttausongungnituk*

Something disallowed.

Inadmissible evidence*Atuttaugunnangitut takugatsait*

In order to make its decisions a court relies upon evidence, given by a witness or witnesses (a witness is a person who heard, saw, did, or knows something relevant about the case). There are many rules which determine whether or not a piece of evidence will be accepted by a court. Evidence which will be accepted, as conforming to these rules, is called admissible evidence. Evidence which does not conform to the rules will not be accepted and is termed inadmissible.

Incest*Ilannianik*

Sexual intercourse with a parent, child, brother, sister, grandparent or grandchild. Must be related by blood and the person committing the act must be aware that the person is such a relation. It is a criminal offence. Criminal Code, Section 155.

Independent*Immigut / Immigojuk*

Able to operate and make decisions without being influenced by others. An important idea with respect to the courts, judges and lawyers. E.g., "The accused was satisfied that her/his lawyer would not be influenced by what was being said on TV and the newspapers, and that he could expect her/his lawyer to defend him without fear of anything other than the law."

Indictable offence*UKumainnisak pasijaugutik*

An offence which, except in the few absolute jurisdiction offences,

can be tried by a jury.

Indictment*Pasijaugutik allatausimajuk*

The document containing the words of the charge against an accused which is given to the jury so that it can see what the Crown has to prove. Also used in Supreme Court trials without a jury.

Infanticide*Inolitainnatumik tuKutsijuk*

A mother purposely killing her newborn child.

Inference*Tusasamijaminik isumatsatâjuk*

Where certain facts are known, an inference is a conclusion to which it is reasonable and logical to come, even without direct evidence of the conclusion.

Informant*Kaujisaiji*

The person who lays an information, i.e., makes a written complaint of criminal behaviour under oath. Also a person who provides information of criminal activity to the police, secretly. The law provides special protections for such people because it is believed that they are necessary for the suppression of crime.

Information*Kaujimauret*

The complaint, in writing and under oath, by an informant, that a criminal offence has been committed. Most often, the information is sworn by the investigating police officer, after her/his investigation gives her/him a reasonable basis to believe that an offence has been committed. It is the beginning of criminal proceedings against an accused.

Injunction*Tilijaugutik idluatsaivimmit*

A judicial order that restrains a person from beginning or continuing an action threatening or invading the legal right of another, or that compels a person to carry out a certain act.

Injuries*Ânnitausimajuk*

Damages to a person, physical and otherwise.

Inmate*Pannanaitsimajuk*

A prisoner in a correctional institution or jail/gaol.

Insanity*Isumaup idluillinganninga*

Madness. Insanity used to have a special legal meaning whereby an accused might be found not guilty by reason of insanity. The law no longer speaks of insanity, but rather mental disorder.

Insufficient evidence*Nâmmangituk sakKititaujuk*

See Essential Elements. The Crown must offer proof of each essential element. Where there is no proof of one or more of the essential elements, there is insufficient evidence and the accused cannot be convicted. Even where there is some evidence on each element, the trier of fact, the judge or the jury, may feel that the evidence is insufficient for a conviction, that the evidence is just not enough.

Intent*Piusitsaugumajuk*

A person is said to have acted with intent when they take action or fail to take action where there is or should be an awareness of the consequences of their action or failure to act. A person does not necessarily have to want a particular thing to happen, nor does intent refer to a reason or a plan to do wrong. They simply must act in a way that creates a risk of an outcome that could injure another

person or their property. Intent can be very important when a judge is trying to determine someone's civil or criminal liability. The government has the power to decide how much intent is required to find someone liable - so for some harmful acts, such as pollution, the government will decide that a lawyer must only prove that a person did not take the proper precautions against pollution, not necessarily that they were aware of a particular danger; for others, such as drunk driving, the lawyer need not prove anything about intent, simply that a person was impaired due to alcohol.

Intention*Pigumajuk*

The mental determination to do something. Not an accident. See Intent.

Intentional*PijâkKumik pijuk*

Deliberate, not accidental.

Intermittent sentence*PannanaittauKattatuk wogip nâningani*

A jail sentence that does not have to be served all at once but can be broken up to be served, for example, on weekends. Only available for sentences of 90 days or less. Enables people to keep their jobs.

Interpreter*UKatti***Interpreter & Translator***UKatti ablasângutitsijilu***Intoxicated***Talangajuk*

Under the influence of alcohol or a drug.

Investigation*Kaujisannik*

Inquiry. The process of discovering what happened. Used to describe what the police do when someone complains that a crime was committed.

Involuntary admission*Pisimanigâjuk pulesimut inittitausimagani*

See Police Warning.

Issue*kajusiutaugialik*

Something that is in question, that has to be resolved by a judge, after the lawyers have had an opportunity to say how they suggest it should be resolved.

Jail/Gaol*Pannanaitsimavik*

Prison. A place where people are confined to serve a prison sentence.

Joyriding*Tigusituinnak*

The criminal offence of taking a motor vehicle without the owner's consent, with intent to drive it. A summary conviction offence. Criminal Code, Section 335.

Judge*Idluatsaiji*

A legal official whose duty is to decide cases. Supreme Court judges are appointed by the Federal Minister of Justice and Provincial Court judges and Justices of the Peace are appointed by the Provincial Minister of Justice. Judges enjoy security of tenure which means that the government which appointed them cannot dismiss them. Thus judges do not have to fear political interference with their decisions. For the occasional judge who behaves in a disgraceful manner there is a process which can lead to his or her removal.

Judge of the Evidence and the Facts*Nalunaigutaujut*

More usually Judge of the Facts. This is a reference to the jury. The jury is responsible for deciding what evidence should be accepted, what are the facts of the case. In a jury trial, the presiding judge always tells the jury that the jury is the judge of the facts and the judge is the judge of the law.

Judge of the Law*Idluatsaijiup maligatsanga*

Only the judge, in a jury trial, may say what is the law that is to be applied in the case being tried. The jury, having been told, or instructed on, the law, then decides what are the facts of the case.

Judge's opening address*Idluatsaijiup uKausingit*

A short explanation of trial procedure given by the judge to the 12 people actually chosen to be the jury.

Judiciary*Idluatsaijet*

All judges, collectively.

Jurisdiction*Pitsatunik*

A very broad term essentially meaning power. Different courts have different jurisdictions, or powers. The Provincial Court, for example, does not have jurisdiction to conduct a jury trial. Jurisdiction also refers to the place where the court has power. For example, the Provincial Court of Newfoundland and Labrador has no jurisdiction to try cases in Nunavut. Jurisdiction can be physical - within a particular territory or province. It can also be legal - within the authority of a particular court or government agency.

Jury*killigiutjijet*

A group of twelve people from the community in criminal cases and

six people in civil cases whose duty is to listen to the evidence of the case and decide what evidence should be accepted. Having done this, the jury, in a criminal case, decides whether the accused is guilty or not guilty. In a civil case, the jury decides in favour of the plaintiff or the defendant. The jury is always instructed on how to apply the law to its decision by a judge who is legally trained.

Jury list / Panel of jurors

killigiudjijitsait atingit

The list of the people ordered to appear in court to perform jury service if selected. The list is compiled by the sheriff.

Keeping the peace

InotsiagaKannik

A condition of all probation orders. To stay out of trouble and not break any laws.

Kidnapping

Angittausimagani inummik tigusinik

A very serious criminal offence in which a person is captured and held against her/his will. Criminal Code, Section 279.

Law [also: Statute]

Maligatsak

An Act of Parliament or an Act of the Provincial Legislature is a law (or statute).

Lawyer

IkKatuiji

A professional person authorised to practise law; conducts lawsuits or gives legal advice. Also called an attorney or counsel.

Leading questions

Tusagumajamminik kiukKugijuk

A leading question is one which suggests an answer. Leading questions are characteristic of cross examination. "Where were you on the night of 20th January?" is not a leading question. "Do you agree

that on the night of 20th January you were drinking at the Legion?" is a leading question. Normally, a lawyer is not allowed to ask leading questions of her/his own witnesses, but only of the witnesses for the other side.

Leave of the court

PikKujaugusik

Permission of the court.

Legal [also: Lawful]

Malittaugialik

Permitted or allowed by law.

Legal aid application

Maligatsatigut ikajuttet Kinugautinga

A form which must be filled out when a person involved in a court case wants a Legal Aid lawyer to represent her/him throughout the court proceedings. The application has to be approved before a lawyer can be assigned. Sometimes the application is rejected or denied for various reasons.

Legal Aid Commission

Maligatsatigut ikajuttet angajukKângit

A government program designed to provide lawyers free, or at reduced cost, to those who cannot afford to pay the full rate.

Legal aid lawyer

Maligatsatigut IkKatuiji

Free counsel provided to an accused who qualifies (one must apply).

Lesser included offence

Pitsanginnisamut pasijaujuk

The verdict that an accused is guilty, not of the exact offence with which (s)he was charged, but with a less serious offence, all of the essential elements of which are included in the essential elements of the more serious offence. Thus a person might be found not guilty of assault with a weapon, but guilty of common assault.

Limitation Periods*PivitsaKattatiuningata uvlusanga*

Legally specified periods beyond which an action may be defeated or a property right is not to continue.

Maim*Pijaullagisimajuk*

To injure a person seriously enough to cripple her/him.

Manslaughter*Pijâgilugani tuKutausimajuk*

Culpable homicide that is not murder. The killing of another human without justification but also without the intent that makes murder more serious. Criminal Code, Section 234.

Medical doctor*Ânniasitutik***Medical examiners***Ânniasitutet Kaujisattet*

A public official in some jurisdictions responsible for investigating suspicious deaths.

Memory*IkKaumak*

The ability to remember things from the past.

Mens Rea*PijâkKumik pilukâjuk*

Criminal intention. A criminal offence consists of both a wrongful act and the intention to commit that act. The wrongful act is referred to by the Latin term *actus reus*. Committing a wrongful act, or *actus reus*, without the intention of doing so is not a criminal offence. For example, if I take your snowmobile believing it to be my own, I have not committed theft. See also Actus Reus.

Mental Disorder*IsumaKatsiangituk*

A disease of the mind. Criminal Code, Section 2.

Mental health*Isumaup ilusinga*

Health of the mind.

Mischief*Iligakusauti*

A broad criminal offence, involving interference with, and destruction of property, and ranging in seriousness from very minor to very major matters. Criminal Code, Section 430.

Mistake (noun)*Tammak*

Where a person believes something to be true that, in fact, is not.

Mistake of fact*Sulingngituk*

In Criminal Law, this may be a defence. For example, where I take a person's boat, mistakenly believing it to be mine, I am not guilty of theft.

Mistrial*Pigiasigiallak / NukKatitaugialik*

A trial that has to be stopped before resolving the question involved in it. Usually, the process has to begin again. Many things can cause a mistrial. For example, jurors might become sick and unable to continue, a crucial witness might suddenly become unavailable, a piece of evidence that should not have been put before a jury is put before it, the jurors cannot agree on a verdict.

Motion*Aulatjaigutik*

A request by a party in a case, to the judge, to order something to be done.

Motion for Dismissal

Aulatjaigutik Kujanâtsigiamut

A request to the judge that (s)he dismiss the charges.

Motion for Mistrial

Aulatjaigutik nukKatitsigiamut

A request to the judge that (s)he declare a mistrial. See Mistrial.

Motion to discharge a juror

Aulatjaigusik killigiudjjimmik petsigiamut

A request to the judge that a juror should be discharged, or removed from the case.

Motive

Pidjutik

The reason someone does something. In a murder case, most people tend to ask what was the motive. In other words, why did the person kill the deceased? Was it for money, or because of jealousy? Etc.

Murder

Inuatsinik

Intentionally causing the death of another human being.

Murder, first degree

Inuatsisimajuk pannaisimadluni

Murder is first-degree murder when it is planned and deliberate. It is more serious than second-degree murder. The minimum sentence for first-degree murder is imprisonment for life without the possibility of parole for 25 years. Criminal Code, Section 231.

Murder, second degree

Inuatsisimajuk pannaisimagani

Murder is intentional homicide, and it is divided into first-degree murder and second-degree murder. First-degree murder is the more serious of the two categories. It is planned and deliberate. Second-degree murder lacks the pre-meditation of the more serious offence.

The main consequence for an accused convicted of murder is in the punishment. Both kinds of murder carry a minimum punishment of life imprisonment. A person convicted of second degree murder, however, may become eligible for parole after serving 10 years whereas a person convicted of first degree murder only becomes eligible after serving 25 years.

National Parole Board

Anittitautitsijet

A board that considers applications from prisoners who are seeking parole. See Parole.

Necessity

Atuttaulagigialik

A defence in criminal law. Breaking down someone else's door would normally be an offence of mischief. To do so to save a life would raise the defence of necessity.

Negligence

kamatsianginnik

Failure to use reasonable care, resulting in damage or injury to another.

Neuro-pathologist

Kagitaligiji

A person who studies the nature, causes, and symptoms of nervous system processes.

Newfoundland and Labrador

Newfoundland Labradorilu

Non-culpable homicide

Pijâgilugani tuKutsisimajuk

The killing of a human being that is not a criminal offence. For example, self defence: When a person kills another person only because it was necessary to do so to save herself/himself or someone under her/his protection.

Not guilty*Pasigatsaungituk / Pisimangngituk*

A plea and/or type of verdict. As a plea, it is what an accused tells the court before her/his trial, and it means that (s)he is denying the validity of the charge made against her/him by the Crown. As a verdict, it means that the court decides, after reviewing the evidence – or lack of it – that the Crown's charge is not made out (substantiated). The accused is freed after this verdict. See Defence.

Not guilty on the basis of no evidence*Pasigatsaungituk*

If there is no evidence, or insufficient evidence, before the court in a criminal case, the Accused cannot be found guilty and is therefore not guilty.

Notice of intention to seek*Kaujitsiutitâttaujuk sangnginitsamik*

A few criminal offences provide more severe punishments for those who have been convicted of the same offence on a previous occasion. The most common example is that of impaired driving. The court is required to impose the greater punishment if the Crown has given the accused a document which states its intention to seek greater punishment. The judge is not obligated to impose the more severe punishment if the notice document has not been served. However, the judge is still permitted to impose the greater punishment if (s)he feels it is appropriate to the circumstances.

Oath*killigiutjinik*

The solemn declaration by a person, as if made in the presence of Almighty God, that what (s)he will say is the truth. Done in court by a witness before (s)he gives her/his evidence. Persons who are not religious are allowed to make a solemn affirmation.

Objection*Nâmmasginginik*

A submission by a lawyer in court that a question asked of a witness by a lawyer for the other side will bring out an answer that is

inadmissible evidence. It is also used when a lawyer opposes certain information which the other side is attempting to enter as evidence. For example, the defence might object if the Crown attempts to enter photographs of an injury. The judge will then hear arguments from both lawyers which support their respective positions before deciding whether the photographs will be accepted as evidence.

Offence*Pilukannik*

The act of breaking a law.

Offender*Pasijaujuk*

Someone found guilty of a crime.

Only one possible verdict*Pasigatsaugutituak*

In a jury trial, the judge, in her/his charge to the jury, instructs the jury on the law that applies to the case it is trying. Part of the charge involves the judge telling the jury what verdicts it could make in the case. This varies from case to case. Where the judge tells the jury that there is only one possible verdict (s)he is telling it that the law will only allow one possible decision in that particular case. Not common. See Verdict.

Onus of proof / Burden of proof*Nalunaititsigialik*

Onus is a Latin word that means a burden, weight or responsibility. The party that has the onus of proof in a case is the party that has the responsibility to prove something. Thus, in criminal cases, it is always the Crown that has the responsibility to prove the charge(s). In civil cases, the party that has the onus of proof is the one that started the action, the plaintiff.

Open custody*Tigumiattaupik inosuttunut*

A form of custody for young persons sentenced under the *Youth Criminal Justice Act*. It is distinguished from secure custody. Open

custody is freer than secure custody which is more like regular jail. Open custody facilities are often referred to as “group homes”. Young Offenders serving sentences of open custody often go to ordinary schools or jobs during the day and can be given permission to go out in the community for various functions.

Opinion evidence

Isumagijaminik Kaujitsijuk

As a rule, ordinary witnesses are not allowed to testify about what they think but only about what they saw, did, said or felt. They can give their opinions about those things that anyone might be expected to have a useful opinion about, such as whether they thought a person was drunk. But opinion evidence refers to the evidence of specialists or experts in various areas. In a murder case, the court will hear the opinion of a pathologist as to the cause of death. Before an expert will be allowed to give opinion evidence, it will be necessary to show the court that the witness is an expert in the area in which (s)he will give an opinion.

Oral statement

UKausigijausimajuk

Something said and not written down.

Oral testimony

UKausigijangit

Spoken Evidence under Oath or under Affirmation. By far the most common form of evidence.

Overrule the objection

Sâlagijaujuk

See Objection. Where a lawyer makes the submission that evidence that the lawyer for the other side is trying to put before the court is inadmissible, the judge has to decide who is right. If (s)he agrees with the lawyer making the objection, (s)he allows the objection or rules in favour of it. If (s)he does not agree with the objection, (s)he rules against it or overrules it.

Parole*Anititaujuk maligatsaKadluni*

Various forms of limited freedom granted to prisoners by the National Parole Board. The word has the meaning of “giving one’s word.”

Pathologist*Ânniasiutik kamagiamut Kanimmasinnik*

Pathology is the study of disease. A pathologist is a physician who specialises in this branch of medicine. Pathologists are often expert witnesses who give opinion evidence in homicide cases.

Peace bond*Pilukannitailigialik*

A peace bond is a form of recognisance. Upon an application being made, a judge can order a person to keep the peace towards the person who applied to the court for a peace bond. The judge can also include additional conditions. Such conditions may include that the person named in the peace bond cannot communicate with the applicant and/or must remain a specified distance away from that person or her/his family members. Criminal Code, Section 810.

Penitentiary*Pannanaitsimavialuk*

A prison.

Peremptory challenge*killigiutjjiukKujaungituk*

In a jury trial, both the accused and the Crown are allowed to object, without stating a reason, to a number of the people who are called forward to be jurors. In most of the jury trials taking place in Newfoundland and Labrador, each side is allowed twelve peremptory challenges. The number of peremptory challenges given depends on the type of charge.

Perjury*Sallujuk*

The criminal offence of deliberately making a false statement under

oath, punishable by up to fourteen years in prison.

Physical abuse [also: physical cruelty]

Pijaunginnatuk

Assault. Usually this term refers to a partner in a spousal relationship or to a child in a home who is assaulted on a regular basis.

Plea

kiugutik

The formal statement by an accused that (s)he is guilty or not guilty. There are three other pleas in criminal law which are called special pleas and are encountered infrequently. These are the pleas of *autrefois acquit*, *autrefois convict* and *pardon*. These special pleas mean, respectively, "I have been tried for this offence before and found not guilty", "I have been tried for this offence before and found guilty", and "I have been pardoned for this offence."

Police

Pulesi

Police warning

Pulesiup inittisiutinga

The right to remain silent is the right of everyone, but is of special importance to an accused. When an accused chooses not to exercise his right to remain silent, and instead gives a statement to the police, the courts may accept that statement, which is often a confession of guilt, as evidence, but will first want to be sure that the accused made the statement voluntarily. The police warning is what the police are supposed to say to an accused, before they take a statement from her/him, if they hope to use the statement in evidence. It usually goes something like this: "You need not say anything. You have nothing to hope from any promise or favour and nothing to fear from any threat whether or not you do say anything. Anything you do say may be used as evidence." In addition to this traditional warning, the police in Canada today are expected to tell the accused that (s)he has the right to call a lawyer and that, if (s)he can't afford a lawyer, legal aid will pay for the lawyer.

Polling the jury*AngiKatigemmangâta killigiutjjjet*

In a jury trial, after the jury has returned with a verdict, the judge has the power, if (s)he wants, to poll the jury. This means that each individual juror is asked if (s)he agrees with the verdict just given by the fore person of the jury. Usually the judge does this upon the request of one of the lawyers.

Possession of property obtained by crime*Tilligânik tigumiajuk*

The criminal offence of possessing property knowing that it was obtained through the commission of a crime. For example, if you buy or otherwise acquire a gun from someone, knowing that person stole the gun, you are guilty of this offence. Criminal Code, Section 354.

Precedent*Sivungngani piusiusimajuk*

The rule of precedent is the rule that cases should be decided according to the principles established in cases that preceded (or went before) it. The common law system is based on the principle that cases with similar facts raising similar legal issues will be decided alike. A case that has already occurred is a precedent when it had similar facts and dealt with a similar legal issue to a case that is being decided by a judge. Precedent becomes law because judges are required to follow earlier cases unless they can find a way to show that the case they are deciding is different in a meaningful way.

Preliminary inquiry [also: Preliminary hearing]*Sivungngani Kaujisattaujuk*

Where an accused is charged with an offence which allows her/him to choose to be tried in the Supreme Court, with or without a jury, a hearing called a preliminary hearing is sometimes held in the Provincial Court. The purpose of this hearing is for the judge of the Provincial Court to determine whether the Crown has sufficient evidence to justify sending the case to the Supreme Court. The preliminary hearing, which is the same thing as a preliminary inquiry, is also an opportunity for the accused to find out more about the case against her/him by listening to and questioning the witnesses

that the Crown calls.

Preliminary motion [also: Preliminary matters]*Sivungngani aulatjaigutik*

Often, at the beginning of a trial, the judge will ask the lawyers if there are any preliminary matters or issues to be addressed before the trial gets underway. These might include motions for the exclusion of witnesses, or of the public, or evidentiary points. In a jury trial, especially, courts like to get such matters dealt with in an organised way so as to inconvenience the jury as little as possible. It should be remembered that many of these matters are dealt with in the absence of the jury.

Premeditated [also: Planned]*Isumatsasiugutigigedlugu âkKitaugesimajuk*

Thought out in advance; planned.

Pre-sentence report*Sivungngani pijaugutiup allatausimajut*

A report by a social worker on an accused who has been found guilty, based on interviews with the accused, her/his family and others who know her/him, for the assistance of the judge in sentencing the accused.

Presumption of innocence*Pasigatsaugasugijaungngituk*

A principle of criminal law. It is a principle of the great importance. It is always explained to juries with great care by the presiding judge. It means that unless an accused is proved to be guilty by the Crown beyond a reasonable doubt, the law treats her/him as if (s)he were innocent. This means that, in a criminal trial, the accused does not normally have to prove anything. The accused starts the trial presumed innocent and, unless the Crown succeeds in proving its accusation beyond a reasonable doubt, (s)he ends it innocent also.

Pretence*Sulijongnguajuk*

An attempt to make something that is not the case appear true.

Prima facie*Sivullipâmik isumagijaujuk*

A Latin term meaning “at first sight.” We often speak of a prima facie case, meaning that it looks, at first glance, as if someone, the Crown in a criminal case or the plaintiff in a civil case, has at least the barebones of a case, and should be allowed to take up the time of the court in attempting to prove it.

Primary ground*Pidjutiujuk sivullipâmik upalâgasugijaugani*

When the Crown wants to ask the court to keep an accused in jail while awaiting her/his trial a show cause or bail hearing is held. Because of the presumption of innocence, courts do not like to lock up an accused before (s)he has been found guilty. However, this can be done in certain circumstances. The court that considers the matter has to follow the procedure set out in the Criminal Code. This procedure involves the court looking at what is called the primary, secondary, and tertiary grounds. The primary ground involves the question of whether it is necessary to detain or remand the accused until her/his trial in order to make sure that (s)he shows up for her/his trial. This ground comes into play most frequently when the accused lives in another province or country and might not come back to the jurisdiction in which (s)he is to be tried, or when her/his criminal record shows that (s)he has a history of not going to court when required to do so. Criminal Code, Section 515.

Probation*UdjitugiaKannik*

A punishment sometimes imposed. If an offender is put on probation, they are supervised in the community and subject to conditions which must be followed.

Probation order*Udjitugialiup maligatsanga*

A court order, in criminal cases, directed towards an accused who has been found guilty of an offence, requiring her/him to keep the peace and be of good behaviour and, usually, imposing on her/him other conditions as well, such as community service work. A probation order

may be made where sentence is suspended (that is, where the accused is not sent to jail), or it may follow a jail term that does not exceed two years.

Promise to appear*Nalâgut sakKiniannigânnik*

A written promise, made before a peace officer, by an accused, that (s)he will attend court on a specified day.

Proof*Nalunangnginik*

Evidence establishing the truth of something.

Property*PiKutet*

That which is owned by a person, corporation or government.

Prove*Nalunaititsujuk*

To demonstrate the truth or existence of (something) by evidence or argument.

Provincial Court*Prâvinsimi idlautsaivik*

The Provincial Court is the Court of first instance for all criminal and regulatory offences. Trials of the vast majority of such offences are concluded there. The Court serves as the Youth Court, Traffic Court, Small Claims Court for most civil claims up to \$5000, and – outside of those areas covered by the Unified Family Court Division of the Supreme Court – deals with most family law matters other than divorce or division of property under the Family Law Act. The Court also conducts inquiries into accidental or mysterious deaths or fires.

Provincial Court Judge*Prâvinsiup idluatsaijinga*

A judge who has the authority to hear and try cases in the Provincial Court of Newfoundland and Labrador.

Provocation*Kosainik*

The conduct of a person, including, but not limited to, blows, words and gestures, that tends to excite feelings of anger in another person. It is a limited defence in the law of murder, capable of reducing the crime of murder to manslaughter.

Psychiatric assessment*Isumanik Kimigguti*

Assessment done by a psychiatrist.

Psychiatric institution*IsumaKatsiangitut ânniasiuvinga*

A hospital for patients suffering from psychiatric illnesses. Some of these hospitals have facilities like jails/gaols, where patients can be locked up and placed under guard. The Waterford Hospital in St. John's is an example of a psychiatric institution.

Psychiatric remand*Isumanga Kaujisattauningani tigumiattaunik*

Where the court orders an assessment of the mental condition of an accused, under the provisions of Part XX.I of the Criminal Code, this can be termed a psychiatric remand.

Psychiatric report*Isumaligijiup Kaujititsiutinga ejattâtitsisop*

Report written by a psychiatrist.

Psychiatrist*Ejattâtitsisuk*

A physician who specialises in the treatment of mental illness.

Psychological assessment*Isumanik Kimiggutiup Kaujisiutinga*

An assessment of the mental state of a person, conducted by a psychologist.

Psychological report*Isumaligijiup Kaujitsiutinga ejattâitsigunnangitop*

A psychological report is simply the report that is made following a psychological assessment.

Psychologist*Isumaligiji ejattâitsigunnangituk*

A scientist who studies the human mind. Some psychologists do work very similar to that done by psychiatrists, but, unlike psychiatrists, are not medical doctors. Psychiatrists and psychologists, in criminal cases, sometimes work as a team.

Pure accident*PijâkKutausimangitullagi*

A pure accident would be an accident for which no one is to blame in any way, in which no one was negligent.

Qualifications*Ilisimauset*

That which qualifies a person to do or be something. A very broad term that would include everything from High School graduation to various degrees of specialised training. The basic qualifications for an English-Inuttitut interpreter, for example, would be fluency in those two languages. In the law of evidence this term is used when a party wants an expert witness to give opinion evidence. Before the expert can give such evidence (s)he must be qualified. This means that the court will hear details of the witness's training in the area in which (s)he has been called to give opinion evidence. If satisfied that the witness is qualified in that area, the court will then allow her/him to give her/his opinion evidence. If the court is not satisfied that the prospective witness has the necessary qualifications, (s)he will not be allowed to give opinion evidence.

Quash the information*Kujanâttaujut*

A declaration by the court that the information is invalid. If the information is invalid, if, for example, it has not been sworn, the case cannot proceed and the Crown would have to begin the process over

again.

Rape

Kunujunniak

Rape is a term that is commonly understood to mean a person is forced to have sexual intercourse against her/his will.

Reading the facts into the record

Atuattaujut piusiviningit

Often, where there is no dispute between the lawyers on evidence, it is unnecessary to call a witness to give that evidence. In such cases the lawyers simply state the evidence to the judge or the jury. Where an accused pleads guilty, the facts of the case are often recited by the Crown and no witnesses are called at all.

Reasonable doubt

NaluliumautiKannik

It is a fundamental principle of the criminal law that, to obtain a finding of guilt against an accused, the Crown must prove the charge beyond a reasonable doubt. When a court, whether it be a judge alone or a judge with a jury, has such a doubt it must acquit the accused. The law does not require the court to be absolutely certain, but sure that the evidence called by the Crown proves the charge beyond a reasonable doubt. Judges sometimes describe a reasonable doubt as an honest and fair doubt, not a trivia or frivolous doubt that an irresponsible juror might come up with to avoid the unpleasant duty of making a finding of guilt.

Reasons

Pidjutet

When a judge makes a decision (s)he is expected to give his or her reasons for that decision. These may be useful to an appeal court if there is an appeal.

Rebuttal evidence

Sulinitsaugumautik nalâgut sakKititaujumik

The party that begins a case, i.e., the Crown in a criminal case and the plaintiff in a civil case, calls evidence first. If the other party calls

evidence it does so after the first party has called all its evidence. Depending on the evidence called by the second party, the first party may call evidence again, in reply to the evidence of the second party. This is called rebuttal or reply evidence.

Reckless

kamatsiangnginik

See Intent, Intention, Mens Rea, Actus Reus. To commit a crime one must have the intention to do the act which is prohibited. Thus, taking an item from a store and not paying for it may not be considered a crime if one simply forgot to pay. It is the crime of theft only if one deliberately avoided paying. In the latter circumstance we can say that the person had the intention to deprive the store of its property. The *mens rea* of theft is therefore present as well as the *actus reus* of taking the item that did not belong to the person. Since both the *mens rea* and the *actus reus* are present, a crime has been committed. In some crimes a person may not desire the consequences of his act but can see there is risk to what (s)he is doing and consciously takes that risk. In such a case, the *mens rea* of the offence consists of recklessness. Consider, for example, the case of a man who, in a rage, attacks another man in a crowded room. He is trying to stab A but misses and stabs B, who dies. He can be guilty of murder because, although he did not intend to kill B, and in fact killed B by accident, his behaviour was so reckless that it satisfied the requirement of intention.

Recognisance

AkilekKujausimajuk Maligatsatigut

A technical word that simply refers to one of the procedures whereby a person is released from custody, before trial, by a police officer or a court. Sometimes it involves the accused or a surety paying money that will be returned when (s)he has appeared for her/his trial, or agreeing to pay money if (s)he does not appear for her/his trial. Like an undertaking.

Re-election

Âsiangngutitsinik

See Election. An accused, in most indictable offences, has the choice of which court (s)he wants to be tried in, Provincial Court, Supreme

Court with a jury or Supreme Court without a jury. Sometimes, the accused later wishes to change her/his original choice. (S)he wants to re-elect. In some circumstances (s)he can do this as of right. In other words, (s)he does not need anyone else's agreement. In other circumstances, the consent of the Crown is required.

Re-examine

killisiniattaugiallak

A witness is first questioned by the lawyer who called her/him. This is called examination-in-chief or direct examination. The witness may then be cross-examined by the lawyer for the opposing side. Following that, if anything new arises in the cross-examination, the witness can be re-examined by the lawyer who called her/him, but only on the new points that arose in cross-examination.

Refusing to take a breathalyser test

Kunujuk aninniminik ottutaugiamik

Where a peace officer believes on reasonable and probable grounds that a person has committed the offence of driving a motor vehicle while impaired by alcohol within the preceding three hours, (s)he may demand that the person submit to a breathalyzer or data master test. Unless the person has a reasonable excuse to refuse this demand (s)he commits an offence for which the penalties are the same as those for impaired driving itself.

Release

Anittitauk

To let go, to discharge from custody.

Remand

Tigumiattaunik

The most common use of this word indicates that an accused is kept in custody until the conclusion of her/his court matter. It can also be said that an accused is remanded to another date.

Resisting Arrest

Kunujuk tigujaugasuadluni

Is is an offence to resist a peace officer as they attempt to carry out

the duty of making an arrest. Criminal Code, Section 129.

Respondent*kiujaugutik*

The person who answers an application, or the person who an application is against.

Restitution*Utittisinik*

See Restitution Order.

Restitution order*UtittisikKujaujuk*

Restitution involves the restoration to a person who has lost property that property which (s)he lost or money of equivalent value. In criminal law, an accused who has stolen or in some other criminal manner caused property loss to another is often ordered to make restitution to the victim. This may be a condition of a probation order, or it may be ordered in a restitution order.

Reverse onus*Nalunaitsiutimmik kinguppititsijuk*

See Onus of Proof. In criminal law, it is usually the Crown that has to show why an accused should be deprived of her/his liberty. There are exceptions to this rule. Where an accused has been charged with a very serious offence such as murder, (s)he will be remanded or detained in custody before her/his trial, unless (s)he can persuade a court that (s)he should be released. This is called reverse onus.

Where an accused was released on bail for a less serious offence and then breaches one of the conditions of her/his release and is arrested again, (s)he puts herself/himself in a reverse onus situation.

Review of Crown and Defence positions*Kimiggutauningit IkKatuijet piusingit*

This is one of the components of the charge to the jury in a jury trial. The judge summarises, for the jury, why the Crown says the Accused should be found guilty and why the defence says (s)he should be found not guilty.

Review of the evidence*Kimiggugiallanik nalâgut sakKititaujunik*

This is one of the components of the charge to the jury in a jury trial. The judge surveys the evidence of the case in summary form for the benefit of the jury. The judge usually points out to the jury, when (s)he does this, that it is the jury's recollection of the evidence that is important and that, if the jury does not agree with her/his summary of the evidence, it is expected to act on its own recollection.

Revoke*NukKatitaujuk*

To cancel an earlier order or decision, or a right or privilege. For example, "Because he failed to return the books he had borrowed, his library privileges were revoked."

Right to counsel / lawyer*Pivitsak uKaKatiKagiamik uKautjigijimik*

Everyone has the right on arrest or detention to retain and instruct counsel without delay and to be informed of that right. These are the words of Section 10(b) of the Charter of Rights. They mean that a person who has been arrested has the right to consult with a lawyer, without delay. The courts have considered this provision of the Charter many times. It is now clear that the police have a duty to make it possible for a person in this situation to contact a lawyer. Where the police effectively block a person's wish to consult with a lawyer, the courts will often refuse to allow the Crown to use any statement obtained from an accused whose right to speak to a lawyer has been interfered with. See Police Warning.

Right to privacy (Charter)*ItituinnagiaKangngitut*

Section 8, Charter of Rights and Freedoms, says that everyone has the right to be secure against unreasonable search or seizure. The courts have reviewed this section extensively and the Supreme Court of Canada has said that a person in Canada has a reasonable expectation of privacy. Essentially, this means that the government, whether it is the police or Revenue Canada or some other government agency, cannot enter a person's home or read a person's mail or

otherwise investigate a person's affairs unless it is authorised to do so, by the person or by a law or by a court that gives the government agency a search warrant to do so. See also Seizure.

Right to remain silent

Pitvitsak nilliatailigiamut

See Police Warning.

Robbery

kappiasâgidluni Tillisimajuk

Robbery is theft with violence or threats of violence. Robbery is a very serious criminal offence carrying a maximum penalty of life imprisonment. Criminal Code, Section 344.

Secondary ground

Pidjutiujuk tullia ilimanattogasugijaujuk

See Primary Ground. In a bail or show cause hearing, in which a judge has to decide whether an accused is to be released or kept in custody while awaiting her/his trial, the judge has to consider three factors. First, (s)he considers the primary ground. If (s)he decides that it is not necessary to keep the accused in custody on that ground, (s)he then proceeds to the next step which is the secondary ground. The question for the judge here is whether (s)he thinks it is necessary for the accused to be kept in custody for the protection or safety of the public. Really, the judge is asking herself/himself if (s)he thinks there is a substantial likelihood that the accused will commit another offence if (s)he is released. Criminal Code, Section 515(10) (b).

Secure custody

Inosuttut tigumiattauringa

There are two forms of custody for young offenders, Open custody and secure custody. Secure custody is more like a real prison than open custody. Sometimes called closed custody.

Seizure

Atsâtauk

When police conduct an investigation they are looking for evidence.

Evidence comes in various forms. In one case the evidence might be the statement of the accused. In another, for example a drug case, it might be cannabis. If the police found cannabis they would seize it. In other words, they would take it away and keep it safe until a trial. Illegal substances seized in this way are usually destroyed after a trial. But it is not only illegal substances that are seized. If my television set is stolen and discovered in the house of a suspected thief, that too would be seized.

Self-defence

Pijauttailigasujuk

A defence in criminal law. Where a person is accused, for example, of murder, and (s)he says that (s)he only did what (s)he had to do to protect herself/himself from the deceased, we say that (s)he pleads self-defence. But there is a very important limitation to this defence. That is that the force used in self-defence must be only what is reasonably necessary for one's protection. Criminal Code, Sections 34,35,37,38,39,40,41,42. See Defence of person, Defence of property.

Sentence

Pijaugutik

The punishment imposed by a judge on a person who has been found guilty after a trial, or who has pleaded guilty to an offence.

Sentencing hearing

Pijaugutimmik Kaujisannik

This is a hearing (court proceeding) before the judge in which both the Crown lawyer and the defence lawyer put forward their recommendations on what sentence should be imposed after an accused has either been found guilty after a trial or has pled guilty. Witnesses are often called and evidence put forward to help the judge decide what sentence should be handed down.

Sequestered (jury)

Immigolingattitauningit killigiutjijet

After a jury has heard all the evidence, the speeches of the lawyers and the charge, it is kept together and apart from other people until it makes a decision. We say then that the jury is sequestered.

Serve an application*Kinugautik tatattutausimajuk*

In the practice of law there are many documents that have to be given to various people involved in cases before the courts. Witnesses have to be given subpoenas ordering them to attend court at a certain time, sometimes an accused has to be given a notice of intention to seek greater penalty, the plaintiff has to give the defendant a copy of the statement of claim, Jurors have to be given the summons that tell them they have to attend court on a certain day to be available for jury duty and so on. This giving of documents is referred to as service and the person who gives the document, often a peace officer, is said to serve the document. Thus, to serve an application is just one example among many of the giving of a court document by one party to another.

Sex Offender Information Registry*Uivisâlukasimajuit Kaujimajaugutingit*

The National Sex Offender Information Registry is a national sex offender database, which is maintained by the RCMP. Persons convicted of a designated sex offence as defined by the *Sex Offender Information Registration Act (SOIRA)* may be ordered by the court to register within a specified period of time. There are various reporting requirements which must be met by the offender. The public does not have access to the Registry. It is a database that provides Canadian police services with important information that should improve their ability to investigate crimes of a sexual nature.

Sexual assault*Uivisâlukak / Uivisâlukannik*

An assault of a sexual nature. A criminal offence carrying a maximum punishment of 10 years. Criminal Code, Section 271.

Sexual assault involving co-accused*katutjiKatigesimajut / katutjiKatigesimajok*

A sexual assault committed by more than one person.

Sexual assault with a weapon*Uivisâlukak PigiagutiKadluni*

A sexual assault in which a weapon is used. A criminal offence carrying a maximum punishment of 14 years. If the weapon used in such an assault is a firearm there is a minimum punishment of 4 years. Criminal Code, Section 272.

Sexual exploitation*Tatigijaujuk uivisâlukasimajuk*

A criminal offence in which a person in a position of trust touches a young person (defined as a person between 14 and 17 years of age, inclusive) for a sexual purpose, or invites that young person to engage in sexual touching.

Sexual interference*Inosuttuniasimajuk*

Touching a child under 14 for a sexual purpose.

Standard of proof*Nalunaittaugialik*

See Reasonable Doubt, Balance of Probabilities. These are the two standards of proof in the Canadian legal system. Proof beyond a reasonable doubt is the standard of proof in criminal matters and proof on a balance of probabilities is the standard of proof in civil matters. A striking example of the practical effect of these different standards is to be found in the criminal and civil trials of O.J. Simpson. In the criminal trial, where the standard is so high, Simpson was found not guilty. In the civil trial, where the jury only had to be persuaded of his responsibility for the murders on a balance of probabilities, Simpson was found to be responsible.

Statement*UKausigijausimajuk*

A broad term referring to what a person says about something. In legal practice it is customary to talk to witnesses before they are called to court to testify and to have them write out, or have someone else write out for them, that which they can say about some event that will be considered by a court.

Statute [also: Law]*Maligatsak*

See Statute Law.

Statute Law [also: Legislation]*MaligatsatuKait*

Law that is made by Parliament or the Legislature. An act of Parliament or an act of the Legislature is a statute. Statute law is different from common law, which is judge-made law. When statute law and common law conflict, statute law prevails. See Common Law, Act.

Stay of proceedings (Crown)*NukKatitsinik*

The Crown has the power to bring criminal proceedings to a stop at any time before judgement. This is called a stay of proceedings. The law allows the Crown to start the prosecution up again within one year. Criminal Code, Section 579.

Submission*UKaudjigutik*

A technical term for what a lawyer says to a judge or jury.

Subpoena*Tilijaugutik idluatsaiviliaKujaugiamut*

A court order requiring a person to attend court to give evidence.

Summary (conviction) offence*UKinnisak pasijaugutik*

A less serious type of offence, as compared to an indictable offence. Where an accused is charged with such an offence, (s)he does not have the right to be tried by a jury. On the other hand, (s)he is liable to a lower range of punishments than is the case where (s)he is charged with an indictable offence. Some offences can only be proceeded with by summary conviction. But in many instances, the Crown decides, at the beginning of a prosecution, whether the matter will be proceeded with summarily or by indictment. This is one of

many considerable powers that Parliament has invested in the Crown. See Dual Procedure/Hybrid Offences, Indictment, Crown Election.

Summons

KaikKujaugutik Idluatsaivimmut

A court order to a person to attend court.

Supreme Court

Puttunippâni idluatsaivik

The Supreme Court of Newfoundland and Labrador is the superior court of civil and criminal jurisdiction in the province. It was created by the *Judicature Act* and has two divisions: the Trial Division and the Court of Appeal. The Chief Justice of Newfoundland and Labrador and five other justices make up the Court of Appeal. The Chief Justice of the Trial Division and nineteen other justices make up the Trial Division. The Court deals with civil claims, probate, administration and guardianship, and family and criminal matters. It is also the appeal court for summary conviction and small claims matters heard in the Provincial Court.

Supreme Court Judge

Puttunippâni Idluatsaivimmi Idluatsaiji

A judge who has the authority to hear and try cases in the Supreme Court of Newfoundland and Labrador.

Surety (Third-party)

Akileniannigâsimannik

A surety is a person who is not an accused, but is willing to guarantee in some form that (s)he will be responsible for ensuring that an accused, who would otherwise be kept in custody prior to her/his trial, will appear for her/his trial and will stay out of trouble before her/his trial. Usually, a surety puts money in the court which (s)he could lose if (s)he does not take her/his responsibility seriously. The surety has her/his money to protect and so will be inclined to make sure that the accused abides by the conditions of her/his release.

Suspended sentence*Pasijaugutinga maligatsatâttitaujuk*

A suspended sentence is a sentence that is imposed in a case where the offender might have been sent to jail but instead is released on the conditions contained in a probation order. If the offender, while on probation, commits another offence, there is a procedure whereby (s)he can be brought back to court and sent to jail instead.

Sustain the objection*Angigutik nâmmasingiutimmik*

This refers to the decision of a judge, when asked to rule on the admissibility of a piece of evidence, agreeing with the lawyer that submitted that the evidence was inadmissible.

Sustained*Angijuk*

Upheld, maintained, not changed, confirmed.

Tertiary ground*Pidjutiujuk pingajua (kappiagijaugajattuk)*

When the Crown wants to ask the court to keep an accused in jail while awaiting her/his trial, a show cause or bail hearing is held. Because of the presumption of innocence, courts do not like to lock up an accused before (s)he has been found guilty. However, this can be done in certain circumstances. The court that considers the matter has to follow the procedure set out in the Criminal Code. This procedure involves the court looking at what are called the primary, secondary, and tertiary grounds. The tertiary ground involves the question of whether it is necessary to detain or remand the accused until her/his trial, in order to make sure that confidence is maintained in the justice system. Criminal Code, Section 515.

Testify*UKâlajuk*

To give evidence under oath or affirmation.

Testimony*UKattausimajuk*

What is said by a person who testifies. The evidence of a person given under oath or affirmation.

Testing credibility*Sulijugijaugunnamangât*

One of the main objectives of cross-examination is the testing of credibility, or believability, of witnesses. Under the pressure of adversarial questioning a witness's credibility is tested. If her/his evidence is weak the cross-examination will show this; if it is strong, cross-examination often enhances the credibility of the witness.

Theft over \$5000*Tilligât \$5000 ungatâni*

An indictable offence. Criminal Code, Section 334(a).

Theft under \$5000*Tilligât \$5000 atâni*

Theft under \$5000 is a dual procedure/hybrid offence. The Crown, therefore, may elect to proceed by indictment. If the Crown does so elect, however, the offence is an absolute jurisdiction offence and the accused does not have the right to trial by jury. Criminal Code, Section 334(b).

Time to pay*AkilegiaKannik*

When a person is punished by a fine, the court that imposes the fine is supposed to set out clearly the time by which the fine must be paid.

Toxicologist*TuKunnatunik Kaujisatti*

An expert in the study of poisons.

Toxin*TuKunnatuk*

A poison.

Transcript*Titigattaumajut*

The written record of exactly what was said, usually in a court. What is said in court is captured by a court clerk using an audio-recording device. If there is an appeal, or if a record of what was said in the court is needed for any other reason, a transcript is ordered and it becomes possible to read exactly what was said.

Translator*Ablasângutitsiji***Treatment***Ikajuttaunik*

The caring for a person with medical or other problems such as alcoholism.

Treatment centre*Saputjivik*

A place designed to help people with problems of alcohol or other substance abuse.

Trespassing*Agvitattuk upataugiaKangitumi*

Historically, the generic name for intentional torts, that is, civil legal actions which were intended to provide a remedy to someone who has suffered a forcible injury to themselves, or their property. Trespass could include battery (intentionally bringing about harmful or offensive contact with someone); false imprisonment (forcibly keeping someone in captivity); and trespass to land. Trespass to land can include any intentional interference with another person's possession of land, or can be the remedy for any material damage suffered by someone occupying land when another person undertakes activities on it (for example, if someone has the right to my land, I can sue

them for trespass to land if they do not clean up their waste products properly).

Trial

Idluatsataugasuajuk

The process whereby a criminal complaint or a civil dispute is placed before a court for that court to decide the issues between the parties. The popular view of a trial is that part of the overall process that involves the courtroom, and people professionally involved with the courts use the word in this way too. It can also be used to describe the entire process from charge to conviction or acquittal, in the criminal context.

Trial by judge alone

Idluatsaijutuinnamut

Trial by judge and jury

Idluatsataugasuajuk killigiutjjjellu

Trifling and transitory

IkKanatsiangituk

Of very slight importance and short duration. It is a term that might be used in the context of an assault causing bodily harm where it is alleged by the Crown that the bodily harm consists of a red mark on the skin. Such an injury would be too trifling and transitory to constitute bodily harm.

Unanimous

Iluingajut

A word used of a decision in which all who make the decision agree. The verdict of a jury in a criminal trial in Canada must be unanimous. All 12 jurors must agree.

Undertaking

MaligatsaKattitaunik

A promise to the court to appear in court when required to do so and to comply with any conditions imposed by the court in order to be

released from custody before trial. Breach of undertaking is a criminal offence. Criminal Code, Section 145(3).

Unfit to stand trial

Ildluatsataugunnangituk

A person is unfit to stand trial who, because of mental disorder, is unable to understand the proceedings, or its consequences, or communicate with a lawyer. All others are fit to stand trial. See Fit to Stand Trial.

Unlawful confinement

Anittitauttailjuk

Keeping someone in a place without their consent.

Unsworn evidence

UKatsiagiaKannik

1. A person under the age of 14 or of limited mental capacity who does not understand the nature of an oath or solemn affirmation, but who is still able to communicate the evidence, may be permitted to give evidence on promising to tell the truth. Canada Evidence Act, Section 16.
2. The Supreme Court of Canada has made it possible for unsworn evidence to be received by a court when the court is of the opinion that the unsworn evidence meets tests of necessity and reliability.

Uttering threats

kappiasâgijuk

Communicating a threat to cause harm to a person or thing.

Vague

Tukisinangngituk

Uncertain, without definition, unsure, without detail, unclear.

Venue

Ininga

The place where a trial is held. Usually this is the place where the offence is alleged to have taken place. See Change of Venue.

Verdict*Pasigatsaumangât*

The judgement of a judge or jury, for example: guilty, not guilty.

Victim fine surcharge*Pilukâttausimajut akilittauningit*

A financial penalty imposed on offenders convicted of offences, in addition to any other penalty, according to a formula, which is supposed to be used by the Government to assist the victims of crime.

Voir dire*Kaujisanik sakKitaujut*

A voir dire is often called “a trial within a trial”. In the course of a trial issues frequently arise, especially concerning what is admissible evidence, which have to be resolved before the trial can continue. The court holds an inquiry into the issue and makes a decision before the trial proper is resumed. In a jury trial the jury is sent out of the courtroom until the judge has decided what to do. This ensures that, if it is not correct to admit the evidence being considered on the voir dire, the jury will not hear it. If it is correct to admit the evidence being considered it will be repeated in the presence of the jury. A common example of a voir dire is when the Crown wishes to enter into evidence a statement made to the police by the accused. The evidence of the police officers and, often, the accused concerning the circumstances under which the statement was given is first heard by the judge in the absence of the jury. If the judge decides that the statement meets the tests of the law, much of the evidence is then given all over again, but in the presence of the jury. If the judge decides the statement does not meet these tests, the jury never hears it. See Police Warning.

Voluntary intoxication*Talagumajuk*

The state of being intoxicated by alcohol or drugs, consumed willingly in the knowledge that intoxication could result. In some circumstances extreme intoxication can result in a state of automatism. The law does not allow automatism to be a defence when it comes about as a result of voluntary intoxication. But if a

person entered into a state of automatism as a result of having been fed an intoxicating substance unknowingly, the defence of automatism could be available to him.

Waive

Sakkuinik

To dispense with the necessity of doing something. Often, in court, one may hear a lawyer waiving the reading of the charge, or waiving the irregularity of something being done in her/his client's absence. What (s)he is saying is that the court need not bother to read the charge or wait until the client gets to court and (s)he will not complain about it later.

Wanton or reckless disregard

IkKasungituk

The following are the words used in the offence of criminal negligence, Criminal Code, Section 219, which states: "Everyone is criminally negligent who in doing anything, or in omitting to do anything that it is his duty to do, shows wanton or reckless disregard for the lives or safety of other persons." The words "wanton" and "reckless" are separated by an "or" rather than an "and" and this implies that they mean different things. In fact, the courts have said that to be found guilty of this offence, an accused's conduct has to be wanton or reckless, but not necessarily both, which means that the courts do think there is a distinction, although it is difficult to understand just what it is. Mr. Justice Cory of the Supreme Court of Canada said, in the case of Regina v. Waite when he was a member of the Ontario Court of Appeal: "The word 'wanton' means 'heedlessly.' 'Wanton', coupled as it is with the word 'reckless', must mean heedless of the consequences or without regard for the consequences." Both words describe a high degree of negligence. It is important to distinguish between the negligence which gives rise to a civil case and the negligence which involves criminal liability. Criminal negligence involves negligence of such a high degree of fault that a person can be said to have committed a crime.

Weapons prohibitions

PinniutikagiaKangngituk

Many offences involving violence or the use of firearms require or

allow the judge who finds an accused guilty of such an offence to make an order prohibiting the accused from possessing firearms. Depending on the circumstances such a prohibition can be for varying periods of time.

Weigh the evidence

Isumatsasiugialik

To weigh the evidence is just an expression that means to consider carefully the evidence. It is what a judge or a jury is expected to do before making a decision.

Willful blind

Kaujimangngitonguajuk

Willful blindness is an important idea in criminal law. For example, it is an offence to possess property that has been stolen if the person knows that it has been stolen. If a person sells me a boat for a very low price I may well have a suspicion that (s)he stole it and that is why I am being offered such an attractive price. Because I want the boat for a low price I take care not to ask too many questions so that I can persuade myself that I have done nothing wrong. But the law will not let me get away with that. The law will say that I was willfully blind, which has the same effect as if I knew the boat was stolen, and I will be found guilty of a criminal offence.

Withdraw charges

Ipigataujuk

Charges are brought to the court by the Crown. It sometimes happens that, upon closer scrutiny, the Crown decides that charges should not proceed and the decision to withdraw charges is made. Where the Crown withdraws charges before a plea is entered, no explanation to the court is necessary. After a plea is entered, the Crown has to seek permission from the judge if they seek to withdraw charges.

Witness

Kaujimajuk

A person who is called to court to give evidence about something (s)he heard, saw or did that is relevant to the case being dealt with

in court.

Wound (noun)

killik

An injury done by stabbing or cutting or shooting etc. The Alberta Court of Appeal has said that a breaking of the skin is necessary to constitute wounding. The word is used in two criminal offences, discharging a firearm with intent to wound and aggravated assault. One would usually understand wound as more serious than simple bodily harm. A bad bruising might be bodily harm but not wounding.

Written statement

UKausigijausimajuk allatautillugu

Statement that is written down.

Young offender

Inosuttuk pasijaujuk

A person over the age of 12 but under the age of 18 who has been found guilty of a crime.

Young person

Jârikittuk

A person over the age of 12 but under the age of 18.

Inuttitut – Kallunâtitut

Âjausimajuk	<i>Affidavit of service</i>
Ânitiginnik	<i>Beating</i>
Ânniasitutet Kaujisattet	<i>Medical examiners</i>
Ânniasitutik	<i>Medical doctor</i>
Ânniasitutik kamagiamut Kanimmasinnik	<i>Pathologist</i>
Ânniasutiup Kaujitsiutinga	<i>Doctor's report</i>
Ânnitausimajuk	<i>Injuries</i>
Âsiangngutitsinik	<i>Re-election</i>
Ablasângutitsiji	<i>Translator</i>
Adjigettisinik	<i>Impartial</i>
Aggait putjunginnik Kaujisatti	<i>Fingerprint expert</i>
Agvitattuk upataugiaKangitumi	<i>Trespassing</i>
Akigattunik	<i>Contend</i>
Akiligatsak	<i>Fine</i>

AkilegiaKannik	<i>Time to pay</i>
AkilekKujausimajuk Maligatsatigut	<i>Recognisance</i>
Akileniannigâsimannik	<i>Surety (Third-party)</i>
Akiniagutik piusiujumik	<i>Challenge for cause</i>
Allatausimajunik Kaujisatti	<i>Handwriting expert</i>
Allatausimangitut maligatsait	<i>Common law</i>
Allattausimajuk nalâgojunik nalunaikkutak	<i>Affidavit</i>
Angiggak	<i>Dwelling Place</i>
Angigutik	<i>Consent</i>
Angigutik nâmmasingiutimmik	<i>Sustain the objection</i>
Angijuk	<i>Sustained</i>
AngiKatigegunnangiumajut killigiutjijet	<i>Hung jury</i>
AngiKatigemmangâta killigiutjijet	<i>Polling the jury</i>
Angittausimagani inummik tigusinik	<i>Kidnapping</i>
AnegiaKangngituk	<i>Curfew</i>
Aninnimik Kaujisatti	<i>Breathalyser expert</i>
Aninnimik ottotik	<i>Breathalyser</i>

Anititaujuk maligatsaKadluni	<i>Parole</i>
Anittitaugajammangât tusâttaunik	<i>Bail hearing [also: Show cause hearing; Judicial interim release hearing]</i>
Anittitaugumagutinga	<i>Application for interim release</i>
Anittitauk	<i>Release</i>
Anittitaullagittuk	<i>Absolute discharge</i>
Anittitaunnik	<i>Discharge</i>
Anittitautitsijet	<i>National Parole Board</i>
Anittitauttailijuk	<i>Unlawful confinement</i>
Annigusunnik	<i>Empanelling</i>
Apitsutaugiallanik	<i>Cross-examination</i>
Apitsutik	<i>Examination in chief [also: Direct examination]</i>
Asiangngutitsinik	<i>Amend the information</i>
AtautsikogiaKangngitut takunnasimajut	<i>Exclusion of witnesses</i>
Atsâtauk	<i>Seizure</i>
Atsâtaunnik	<i>Forfeiture</i>
Attuinik	<i>Touching</i>
Atuatsiviunik	<i>Arraignment</i>

Atuattaajut piusiviningit	<i>Reading the facts into the record</i>
Atuttaugesimajut takugatsait	<i>Disposing of exhibits</i>
Atuttaugunnangitut takugatsait	<i>Inadmissible evidence</i>
Atuttaulagigialik	<i>Necessity</i>
Atuttausiasongugummangâta takugatsait	<i>Admissible evidence</i>
Atuttausok	<i>Admissible</i>
Atuttausongungngituk	<i>Inadmissible</i>
Augalâk	<i>Blood sample</i>
Auk sippaKisimaninganik Kaujisatti	<i>Blood splatter specialist</i>
Aulatjaigusik killigiudjjimmik petsigiamut	<i>Motion to discharge a juror</i>
Aulatjaigutik	<i>Motion</i>
Aulatjaigutik nukKatitsigiamut	<i>Motion for Mistrial</i>
Aulatjaigutik Kujanâtsigiamut	<i>Motion for Dismissal</i>
Aulatsiji	<i>Foreperson</i>
BNA Maligatsanga	<i>British North America Act</i>
Idluatsagatsanguttitaujuk	<i>Committed to stand trial</i>
Idluatsaiji	<i>Judge</i>

Idluatsaijet	<i>Judiciary</i>
Idluatsaijiup maligatsanga	<i>Judge of the Law</i>
Idluatsaijiup uKausingit	<i>Judge's opening address</i>
Idluatsaijutuinnamut	<i>Trial by judge alone</i>
Idluatsaijop illugusinga	<i>Chambers</i>
Idluatsaijop isumatsasiugutinga	<i>Discretion</i>
Idluatsaijop tigujautitsininga	<i>Bench warrant</i>
Idluatsaijop uKausingit killigiudjijinut	<i>Charge to the jury / Final instructions</i>
Idluatsaivik	<i>Court / Court House</i>
Idluatsaivimi sulijutsanginik	<i>Contempt of Court</i>
Idluatsaivimmi allaKautik	<i>Court Registry</i>
Idluatsaivimmut tilijaugutinga	<i>Court order</i>
Idluatsaivimmosimanginik	<i>Failure to appear</i>
Idluatsaivinginni Ikajuttet	<i>Court workers</i>
Idluatsataugasuajuk	<i>Trial</i>
Idluatsataugasuajuk killigiutjijellu	<i>Trial by judge and jury</i>
Idluatsataugialiup piusigigumajanga	<i>Accused election</i>
Idluatsataugiujuk	<i>First appearance</i>

Idluatsataugunnangituk	<i>Unfit to stand trial</i>
Idluatsataugutik	<i>Criminal prosecution</i>
Idluatsatausok	<i>Fit to stand trial</i>
Ejattâtitsisuk	<i>Psychiatrist</i>
Ikajuttaunik	<i>Treatment</i>
Ikititsinik	<i>Arson</i>
IkKatuijiup pigiasiutingit killigiutjijinut	<i>Crown's opening submissions</i>
IkKanatsiangituk	<i>Trifling and transitory</i>
IkKanattuit	<i>Essential elements</i>
IkKasungituk	<i>Wanton or reckless disregard</i>
IkKatuiji	<i>Lawyer</i>
IkKatuiji Pasijaujumul	<i>Defence counsel</i>
IkKatuijet akigattotingit	<i>Final submissions</i>
IkKaumak	<i>Memory</i>
Ikuallaligiji	<i>Fire expert</i>
Ilaget maligatsangit	<i>Family law</i>
Ilannianik	<i>Incest</i>
Iligakusauti	<i>Mischief</i>
Ilimasuk	<i>Fear</i>

Ilisimaset	<i>Qualifications</i>
Iluingajut	<i>Unanimous</i>
Ilusik	<i>Demeanour</i>
Ilutsiluttausimajuk	<i>Disfigure</i>
Ilonnatik ikajotigisongit pasijaujop	<i>Defences available to the accused</i>
Imialuttomajuk	<i>Alcohol consumption</i>
Immigut / Immigojuk	<i>Independent</i>
Immigojuut maligatsangit	<i>Civil law</i>
Immigolingattitauningit killigiutjijet	<i>Sequestered (jury)</i>
IngiggautikkogiaKangngituk	<i>Driving prohibition</i>
Ininga	<i>Venue</i>
Ininganik asiangngutitsigumajuk	<i>Change of venue application</i>
Ininganik asiangngutitsijuk	<i>Change of venue</i>
Inuannigasuasimajuk	<i>Attempted murder</i>
Inuatsinik	<i>Murder</i>
Inuatsisimajuk pannaisimadluni	<i>Murder, first degree</i>
Inuatsisimajuk pannaisimagani	<i>Murder, second degree</i>
InutuKait	<i>Elders</i>
Inolitainnatumik tuKutsijuk	<i>Infanticide</i>

Inosuttuit asiagut kamagijaujut	<i>Extrajudicial Sanctions</i>
Inosuttuit inittitaugusingit	<i>Extrajudicial measures</i>
Inosuttuk pasijaujuk	<i>Young offender</i>
Inosuttuniasimajuk	<i>Sexual interference</i>
Inosuttut tigumiattauninga	<i>Secure custody</i>
InotsiagaKannik	<i>Keeping the peace</i>
Ipigataujuk	<i>Withdraw charges</i>
Ippiniak	<i>Impaired</i>
Ippinialukadluni ingiggautikkojuk	<i>Impaired driving by use of drugs</i>
Isumagijaminik Kaujitsijuk	<i>Opinion evidence</i>
IsumaKatsiangituk	<i>Mental Disorder</i>
Isumaligiji ejattâitsigunnangituk	<i>Psychologist</i>
Isumaligijiup Kaujitsiutinga ejattâitsigunnangitop	<i>Psychological report</i>
Isumaligijiup Kaujitsiutinga ejattâitsisop	<i>Psychiatric report</i>
Isumanga nâmmasiangngituk	<i>Diminished capacity</i>
Isumanga Kaujisattauningani tigumiattaunik	<i>Psychiatric remand</i>
Isumanik Kimigguti	<i>Psychiatric assessment</i>

Isumanik Kimiggutiup Kaujisiutinga	<i>Psychological assessment</i>
IsumaKatsiangitut ânniasiuvinga	<i>Psychiatric institution</i>
Isumatsasiugialik	<i>Weigh the evidence</i>
Isumatsasiugutigigedlugu âkKitaugesimajuk	<i>Premeditated [also: Planned]</i>
Isumaup idluillinganninga	<i>Insanity</i>
Isumaup ilusinga	<i>Mental health</i>
Itâsimajuk	<i>Break and enter with intent</i>
Itâsimajuk tillidluni	<i>Break, enter, and theft</i>
ItituinnagiaKangngitut	<i>Right to privacy (Charter)</i>
Jârikittuk	<i>Young person</i>
kajusiutaugialik	<i>Issue</i>
kamagijaugiiallagumannik	<i>Appeal</i>
kamatsianginimmut pilukasimajuk	<i>Criminal negligence</i>
kamatsianginnik	<i>Negligence</i>
kamatsiangninik	<i>Reckless</i>
kanatami Maligatsait Nalâgut SakKititajunut	<i>Canada Evidence Act</i>
kanatamiut Pivitsangita Maligatsangit	<i>Charter of Rights and Freedoms</i>

kappiasâgidluni tillisimajuk	<i>Robbery</i>
kappiasâgijuk	<i>Uttering threats</i>
katutjiKatigesimajut / katutjiKatigesimajok	<i>Sexual assault involving co-accused</i>
kavamait ikKatuijinga	<i>Crown counsel / Crown attorney / Crown Prosecutor</i>
kavamait IkKatuijingata piusigigumajanga	<i>Crown Election</i>
killigiudjijitsait atingit	<i>Jury list / panel of jurors</i>
killigiudjijitsait nâmmagijaungitut	<i>Challenge of the array</i>
killigiudjijunit pejaugumajuk	<i>Excuse from jury duty</i>
killigiutjijet	<i>Jury</i>
killigiutjijiukKujaungituk	<i>Peremptory challenge</i>
killigiutjinik	<i>Oath</i>
killik	<i>Wound (noun)</i>
killisiniagutitsak	<i>Case</i>
killisiniagutitsak maligatsak	<i>Case Law</i>
killisiniattaugiallak	<i>Re-examine</i>
kinatuinnak pijauttailigasujuk	<i>Defence of person</i>
kingulligellutik	<i>Consecutively</i>

kiugutik	<i>Plea</i>
kiugutimminik asiangutitsijuk	<i>Change of plea</i>
kiujaugutik	<i>Respondent</i>
Kagitaligiji	<i>Neuro-pathologist</i>
KaikKujaugutik Idluatsaivimmut	<i>Summons</i>
Kaujijaujop nalunaikutangit	<i>Direct evidence</i>
Kaujimajaugutilik	<i>Alibi</i>
Kaujimajuk	<i>Witness</i>
Kaujimallagijuit	<i>Experts</i>
Kaujimallagijuk	<i>Expert witness</i>
Kaujimallagiutik	<i>Expertise</i>
Kaujimangngitonguajuk	<i>Willful blind</i>
Kaujimanik	<i>Consciousness</i>
Kaujimasimangngituk	<i>Automatism</i>
Kaujimaudet	<i>Information</i>
Kaujisaiji	<i>Informant</i>
Kaujisannik	<i>Investigation</i>
Kaujisannik sakKitaujut	<i>Voir dire</i>
Kaujisataunnik	<i>Hearing</i>
Kaujisattaunik	<i>Assessment</i>

Kaujisattauniup piusinga	<i>Assessment process</i>
Kaujisattik tuKungajunik	<i>Forensic pathologist</i>
Kaujitiutiutitâttaujuk sangnginitsamik	<i>Notice of intention to seek</i>
Kimâgvik	<i>Transition House / Safe House</i>
Kimiggugiallanik nalâgut sakKititaujunik	<i>Review of the evidence</i>
Kimiggutaujuk inosuttuk pivallisimalimmangât	<i>Automatic Review of Sentence/Disposition</i>
Kimiggutauningit IkKatuijet piusingit	<i>Review of Crown and Defence positions</i>
Kimititsinik	<i>Choking</i>
Kinugautik	<i>Application</i>
Kinugautik tatattutausimajuk	<i>Serve an application</i>
Kinugautiliuji	<i>Applicant</i>
Kujanâttaujuk	<i>Acquitted [also: Dismissing the charges, Acquittal]</i>
Kujanâttaujut	<i>Quash the information</i>
Kunujuk aninniminik ottutaugiamik	<i>Refusing to take a breathalyser test</i>
Kunujuk tigujaugasuadluni	<i>Resisting Arrest</i>
Kunujunniak	<i>Rape</i>

Kosainik	<i>Provocation</i>
Magguilingajuk	<i>Giving contradictory evidence</i>
Magguilingajuk pusiugajattuk	<i>Dual procedure [also: Hybrid offence]</i>
Maligatsait Nalunaikkutalet	<i>Criminal Code (of Canada)</i>
Maligatsak	<i>Law [also: Statute]</i>
Maligatsanik siKumitsijuk	<i>Illegal [also: Unlawful]</i>
MaligatsaKadluni anittitaujuk	<i>Conditional discharge</i>
MaligatsaKattitaunik	<i>Undertaking</i>
Maligatsatigut ikajuttet angajukKângit	<i>Legal Aid Commission</i>
Maligatsatigut ikajuttet Kinugautinga	<i>Legal aid application</i>
Maligatsatigut IkKatuiji	<i>Legal aid lawyer</i>
MaligatsatuKait	<i>Statute law [also: Legislation]</i>
Maligialimminik malingngituk / Maligunnasimangituk	<i>Failure to Comply</i>
Malittaugialik	<i>Legal [also: Lawful]</i>
Nâmmangituk sakKititaujuk	<i>Insufficient evidence</i>
Nâmmasingijuk	<i>Complainant</i>

Nâmmasingik	<i>Complaint</i>
Nâmmasinginik	<i>Objection</i>
Nalâgut sakKiniannigânnik	<i>Promise to appear</i>
Nalâgut sakKititaujut	<i>Evidence</i>
NaluliumautiKannik	<i>Reasonable doubt</i>
Nalunagunnaisianninga	<i>Beyond a reasonable doubt</i>
Nalunaigutaujut	<i>Judge of the Evidence and the Facts</i>
Nalunaikkutait pilukâsimanimmut	<i>Criminal record</i>
Nalunaikkutak tigusisongugiamut	<i>Discretionary warrant</i>
Nalunaikkutakkut tigusinik	<i>Arrest warrant</i>
Nalunaititsigialik	<i>Onus of proof / Burden of proof</i>
Nalunaititsijuk	<i>Prove</i>
Nalunaititsiutimmik kinguppititsijuk	<i>Reverse onus</i>
Nalunaittaugialik	<i>Standard of proof</i>
Nalunangnginik	<i>Proof</i>
Newfoundland Labradorilu	<i>Newfoundland and Labrador</i>

NukKasimangngituk pilukasimajuKatillugu	<i>Failure to stop at the scene of an accident</i>
NukKatitaujuk	<i>Revoke</i>
NukKatitsinik	<i>Stay of proceedings</i>
Nunalet Iduatsaivinginni Ikajuttet	<i>Community court workers</i>
Nunalet maligatsangit	<i>By-laws</i>
NunaKakKâsimajuit idluatsaivinginni Ikajuttet	<i>Aboriginal court workers</i>
Pannanaitsimajuk	<i>Inmate</i>
Pannanaitsimavialuk	<i>Penitentiary</i>
Pannanaitsimavik	<i>Jail / Gaol</i>
Pannanaittaunik	<i>Imprisonment</i>
PannanaittauKattatuk wogip nâningani	<i>Intermittent sentence</i>
Papvisâginik	<i>Causing a Disturbance</i>
Pasigatsak	<i>Accused</i>
Pasigatsaugasugijaungngituk	<i>Presumption of innocence</i>
Pasigatsaugutituak	<i>Only one possible verdict</i>
Pasigatsaumangât	<i>Verdict</i>

Pasigatsaungituk	<i>Not guilty on the basis of no evidence</i>
Pasigatsaungituk / Pisimangngituk	<i>Not guilty</i>
Pasijaugunnatuk	<i>Blameworthy</i>
Pasijaugutik	<i>Charge (noun)</i>
Pasijaugutik allatausimajuk	<i>Indictment</i>
Pasijaugutinga maligatsatâttaujuk	<i>Suspended sentence</i>
Pasijaujuk	<i>Offender [also: Guilty as charged]</i>
Pasijaujop killisiniagutitsanga	<i>Defence case</i>
Pasijaujop pasijaugutigingitangit	<i>Evidence in favour of the accused</i>
Pasijaujop pasijaugutingit	<i>Evidence against the accused</i>
Pasijaunnik	<i>Conviction [also: Criminal liability]</i>
PasijautuinnagiaKangngituk KaujisattauKâgani	<i>Benefit of the doubt</i>
Pasitsik	<i>Accuse</i>
Patitsinik	<i>Slapping</i>
Pidjutik	<i>Motive [also: Reason]</i>

Pidjutiujuk pingajua (kappiagijaugajattuk)	<i>Tertiary ground</i>
Pidjutiujuk sivullipâmik upalâgasugijaugani	<i>Primary ground</i>
Pidjutiujuk tullia ilimanattogasugijaujuk	<i>Secondary ground</i>
Pigiasigiallak / NukKatitaugialik	<i>Mistrial</i>
Pigumajamminik piutsaluajuk	<i>Biased</i>
Pigumajuk	<i>Intention</i>
Pettaugumajuk	<i>Ask to be excused</i>
Pijâgidluni tuKutsisimajuk	<i>Culpable homicide</i>
Pijâgilugani tuKutausimajuk	<i>Manslaughter</i>
Pijâgilugani tuKutsisimajuk	<i>Non-culpable homicide</i>
PijâkKumik	<i>Deliberate (adjective) [also: Intentional; On purpose]</i>
PijâkKumik pijuk	<i>Intentional</i>
PijâkKumik pilukâjuk	<i>Mens Rea</i>
PijâkKumiungituk	<i>Accidental</i>
PijâkKumiungituk tuKujuk	<i>Accidental death</i>
PijâkKutausimangitullagi	<i>Pure accident</i>
Pijaugutik	<i>Sentence</i>

Pijaugutimmik Kaujisannik	<i>Sentencing hearing</i>
Pijaullagisimajuk	<i>Aggravated assault</i>
Pijaullagisimajuk	<i>Maim</i>
Pijaunginnatuk	<i>Physical abuse [also: physical cruelty]</i>
Pijauttailigasujuk	<i>Self-defence</i>
PikKujak / Maligatsak	<i>Act [also: Law, Statute]</i>
PikKujatsasuak	<i>Constitution</i>
PikKujatsasuami Maligatsait	<i>Constitutional Law</i>
PikKujaugusik	<i>Leave of the court</i>
PikKotaujuk	<i>Duress [also: Compulsion]</i>
PilukâKattatuk omajunik	<i>Cruelty to animals</i>
Pilukâttausimajut akilittauningit	<i>Victim fine surcharge</i>
Pilukâttet maligatsangit	<i>Criminal Law</i>
Pilukalittuk	<i>Actus Reus</i>
Pilukannik	<i>Crime [also: Offence]</i>
Pilukannitailigialik	<i>Peace bond</i>
Pingutsinik	<i>Pushing</i>
Pinniagutiusimajunik Kaujimajuk	<i>Ballistics expert</i>
Pinninik	<i>Assault</i>

Pinninik ânnedluni	<i>Assault causing bodily harm</i>
Pinninik pigia guti Kadluni	<i>Assault with a weapon</i>
Pinniutikagia Kangngituk	<i>Weapons prohibitions</i>
PiKutet	<i>Property</i>
PiKutimminik paitsinik	<i>Defence of property</i>
Pisimajuk	<i>Guilty [also: Fault]</i>
Pisimanigâjuk pulesimut inittitausimagani	<i>Involuntary admission</i>
Pitsanginnisamut pasijaujuk	<i>Lesser included offence</i>
Pitsatunik	<i>Jurisdiction</i>
Pitvitsak nilliatailigiamut	<i>Right to remain silent</i>
Piujogialik	<i>Be of good behaviour</i>
Piusitsaugumajuk	<i>Intent</i>
Piusiugumajuk	<i>Decision [also: Judgement]</i>
Pivitsak uKaKatiKagiamik uKautjigiajimik	<i>Right to counsel / lawyer</i>
PivitsaKattatiuningata uvlusanga	<i>Limitation Periods</i>
Prâvinsimi idlautsaivik	<i>Provincial Court</i>
Prâvinsimenginnagialet	<i>Absolute Jurisdiction Offence</i>

Prâvinsiup idluatsaijinga	<i>Provincial Court Judge</i>
Pulesi	<i>Police</i>
Pulesiup inittisiutinga	<i>Police warning</i>
Puttunippâni idluatsaivik	<i>Supreme Court</i>
Puttunippâni Idluatsaivimmi Idluatsaiji	<i>Supreme Court Judge</i>
Puttunippât Idluatsaivet Newfoundland Labradorimillu	<i>Court of Appeal of Newfoundland and Labrador</i>
Sâlagijaujuk	<i>Overrule the objection</i>
Sakkuinik	<i>Waive</i>
SakKigiamut Kaujitsiutik	<i>Appearance notice</i>
SakKititsinik	<i>Disclosure</i>
Sallujuk	<i>Perjury</i>
Saputjivik	<i>Treatment centre</i>
SiammatitaugiaKangngituk	<i>Confidential</i>
SiKumitsidluni itâsimajuk	<i>Breaking and entering</i>
SiKumitsinik	<i>Breach</i>
SiKumitsinik Maligatsaminik	<i>Breach of undertaking</i>
SiKumitsinik Udjitugialimminik	<i>Breach of probation</i>
SiKumitsisimajuk AkilekKujausimadlluni	<i>Breach of recognisance</i>

Sivullipâmik idluatsataugialiup IkKatuijinga	<i>Duty counsel</i>
Sivullipâmik isumagijaujuk	<i>Prima facie</i>
Sivungngani aulatjaigutik	<i>Preliminary motion [also: Preliminary matters]</i>
Sivungngani pijaugutiup allatausimajut	<i>Pre-sentencing report</i>
Sivungngani piusiusimajuk	<i>Precedent</i>
Sivungngani Kaujisattaujuk	<i>Preliminary inquiry [also: Preliminary hearing]</i>
SuliaKattet ilautitagunnanggitut	<i>Exempt occupations</i>
SuliaKattitauKattatut akilittutaulugatik	<i>Community service</i>
Sulijugijaugunnamangât	<i>Testing credibility</i>
Sulijugijaugunnalik	<i>Credibility</i>
Sulijuk	<i>Genuine</i>
Sulijongnguajuk	<i>Pretence</i>
Sulingngituk	<i>False</i>
Sulingngituk	<i>Mistake of fact</i>
Suliniannigânnik	<i>Affirmation</i>
Sulinitak	<i>Balance of probabilities</i>

Sulinitaugumautik nalâgut sakKititaujumik	<i>Rebuttal evidence</i>
Sulitsiajuk	<i>Certainty [also: Absolutely certain]</i>
Tagvangatuinnânik	<i>Heat of Passion</i>
Taitsumanitsainak	<i>Concurrently</i>
Takugatsak	<i>Exhibit</i>
Takujausimangngikalualuni Kaujimajujuk	<i>Circumstantial evidence</i>
Takunnasimajuk	<i>Eyewitness</i>
Talagumajuk	<i>Voluntary intoxication</i>
Talangadluni ingiggautikkojuk	<i>Impaired driving by use of alcohol</i>
Talangajuk	<i>Intoxicated</i>
Tammak	<i>Mistake (noun)</i>
Tatigijujuk uivisâlukasimajuk	<i>Sexual exploitation</i>
Tigujaunik	<i>Custody [also: an Arrest]</i>
Tigumiattaunik	<i>Remand</i>
Tigumiattaunik inosuttunut	<i>Open custody</i>
Tigusituinnak	<i>Joyriding</i>
Tilijaugutik idluatsaiviliaKujaugiamut	<i>Subpoena</i>

Tiljaugutik idluatsaivimmit	<i>Injunction</i>
Tilligânik tigumiajuk	<i>Possession of property obtained by crime</i>
Tilligât \$5000 atâni	<i>Theft under \$5000</i>
Tilligât \$5000 ungatâni	<i>Theft over \$5000</i>
Tillisimagasugijaujuk	<i>Doctrine of Recent Possession</i>
Tilluinik	<i>Punching</i>
Timimmiutanik Kimiggunik	<i>DNA test</i>
Timimmiutanik Kinugautik	<i>DNA order</i>
Timimmiutat	<i>DNA</i>
Titigattaumajut	<i>Transcript</i>
Titigattausimajut	<i>File (verb)</i>
Tukinninik	<i>Kicking</i>
Tukisinangngituk	<i>Vague</i>
TuKungajuk Kaujisattauninga	<i>Autopsy</i>
TuKunnatuk	<i>Toxin</i>
TuKunnatunik Kaujisatti	<i>Toxicologist</i>
TuKutausimajuk	<i>Homicide</i>
TuKosigisimajanga / TuKugutaujuk	<i>Cause of death</i>
TusagatsaliuttaugiaKangngitut	<i>Ban on publication</i>

Tusagumajamminik kiukKugijuk	<i>Leading questions</i>
Tusasamijaminik isumatsatâjuk	<i>Inference</i>
Udjitugialiup maligatsanga	<i>Probation order</i>
UdjitugiaKannik	<i>Probation</i>
Uivegginiattuk	<i>Fraud</i>
Uivisâlukak / Uivisâlukannik	<i>Sexual assault</i>
Uivisâlukak PigiagutiKadluni	<i>Sexual assault with a weapon</i>
Uivisâlukasimajuit Kaujimajaugutingit	<i>Sex Offender Information Registry</i>
Uivisâlukattaualagisimajuk	<i>Aggravated sexual assault</i>
Uppigijaugunnamangât	<i>Assess credibility</i>
Uppigijaungituk	<i>Discredit</i>
UKâlajuk	<i>Testify</i>
UKatsiagiaKannik	<i>Unsworn evidence</i>
UKatsiamagittuk	<i>Explicit</i>
UKatsiangituk	<i>Implicit</i>
UKattausimajuk	<i>Testimony</i>
UKatti	<i>Interpreter</i>
UKatti ablasângutitsijilu	<i>Interpreter & Translator</i>
UKaudjigutik	<i>Submission</i>

UKausigijangit	<i>Oral testimony</i>
UKausigijausimajuk	<i>Oral statement</i>
UKausigijausimajuk	<i>Statement</i>
UKausigijausimajuk allatautillugu	<i>Written statement</i>
UKinnisak pasijaugutik	<i>Summary (conviction) offence</i>
UKumainnisak pasijaugutik	<i>Indictable offence</i>
UtittisikKujajuk	<i>Restitution order</i>
Utittisinik	<i>Restitution</i>
OttugiallaKujjuk	<i>Exhortation to a hung jury</i>

Terms Used in Sexual Assault Cases

Sexual assault

Uivisâlukak / Uivisâlukannik

Aggravated sexual assault

Uivisâlukattaugisimajuk

Sexual assault with a weapon

Uivisâlukak PigiagutiKadluni

Sexual assault involving co-accused

katutjiKatigesimajut / katutjiKatigesimajok

Sexual exploitation

Tatigijaujuk uivisâlukasimajuk

Sexual interference

Inosuttuniasimajuk

Incest

Ilannianik

Anal sex

Itinniak

Anus

Itik

Bestiality	<i>Omajunnialukasimanik</i>
Breast(s)	<i>Amâmak (Amâmâk)</i>
Buttocks	<i>Nulok</i>
Cunnilingus	<i>ÂKâk alupâttak</i>
Digital penetration	<i>Kaulik</i>
Fellatio	<i>Usuk amâmattaujuk</i>
Fondle	<i>Attuniak</i>
Hand / Finger	<i>Aggak / Inunguak</i>
Kissing	<i>kuninniak</i>
Kissing on the lips	<i>kunik</i>
Licking	<i>Alupâk</i>
Oral sex	<i>Kanikkut</i>
Penis	<i>Usuk</i>

Sexual intercourse

Pakittaunik

Sexual touching

Attuniasimajuk

Sucking

Milutsukâk

Thigh(s)

Kutugak (Kutugâk)

Thigh, lower

Atâgut Kutugak

Thigh, upper

Kullia Kutugak

Touch

Attuk

Touching over clothes

Attuinik silatâgut annugângita

Touching under clothes

Attuinik iluagut annugângita

Vagina

ÂKâk