

To defend yourself against domestic violence charges, you need a lawyer's help. Chris Archer has decades of experience in the Calgary courts system, from both the prosecution and the defence perspectives. Trust him to represent you throughout this challenging process.

First Steps

Start by following these steps, and keep them in mind until your case is resolved:

Don't go it alone: while you're still at the police station, or once you're out on bail, call Fay & Archer at 403-237-9200 for a free legal consultation.

Follow the rules: it is crucial that you fully comply with all of your bail conditions.

Take a step back: try to stay calm, be honest and objective and trust your lawyer to handle the rest.

Bail and Relocation

In a typical situation, you were arrested and booked, spent a night in jail, had a bail hearing the next day and were released on bail with certain conditions. You must comply with those conditions, or else be charged for violating them and get sent back to jail. For instance, your conditions will state that you cannot communicate with your spouse and/or children, which means that you cannot phone them, send messages through friends or family or even send letters or e-mails.

The other major condition would be that you remain a certain distance from your home at all times. Before your release, you would have been required to provide an alternative residential address with a different family member, a friend or at a hotel. Again, you must comply with this and any other conditions to avoid further complicating your case. Although you are innocent until proven guilty, violating your conditions can result in more serious charges being brought against you and, if you are found guilty, more severe sentencing.

These conditions may seem extreme—being away from your family and adjusting to new surroundings is not easy—but they are there to help you, too. The physical separation gives both parties time and space to gain perspective and get their affairs in order before going to trial. Remember that the prosecution can use any communication as evidence against you, even the initial 911 phone call. For that reason, it is also important that you not speak to any witnesses or the prosecution at this time.

Trial

In your first court appearance, the prosecution will disclose all evidence against you. In subsequent appearances, your lawyer and the prosecution will discuss your case and you plead either innocent or guilty. Sometimes it seems like pleading guilty is the most efficient way to resolve your case; however, you must not do so if you are not actually guilty.

Terminology

According to 1(1)(e) of the Protection Against Family Violence Act, family violence includes

“(i) any intentional or reckless act or omission that causes injury or property damage and that intimidates or harms a family member,

(ii) any act or threatened act that intimidates a family member by creating a reasonable fear of property damage or injury to a family member,

(iii) forced confinement,

(iv) sexual abuse, and

(v) stalking,

but is not to be construed so as to limit a parent or a person standing in the place of a parent from using force by way of correction toward a child who is under the care of the parent or person if the force does not exceed what is reasonable under the circumstances;”

The following terms are often used interchangeably:

- Domestic abuse
- Domestic assault
- Domestic conflict
- Domestic violence
- Spousal abuse
- Spousal assault
- Battering
- Intimate partner abuse
- Intimate partner assault
- Relationship abuse
- Family violence

Related Laws

For the applicable sections of the Criminal Code, see 264.1 to 278.91: <http://www.canlii.org/ca/sta/c-46/whole.html>

See also the provincial Protection Against Family Violence Act: <http://www.canlii.org/ab/laws/sta/p-27/20080314/whole.html>

The provincial government’s Domestic Violence Handbook is also a useful tool: <http://www.justi>

ce.gov.ab.ca/families/default.aspx?id=4373