

## SECTION 606 UNDERSTANDING AND AGREEMENT

I, \_\_\_\_\_ understand and agree to the following:

I agree to plead guilty to the charge(s) of section \_\_\_\_ of the Criminal Code. Section \_\_\_\_ of the Criminal Code states... (Essential elements of the offence). You agree that ... (state essential elements of the offence/ facts as laid out in the agreed statement of facts, crown brief or agreed upon facts)

I have had the opportunity to review the disclosure material **or** I understand that I have the right to obtain all relevant disclosure prior to entering a plea. I want to enter my plea of guilty even though disclosure is not complete.

I had sufficient time to consider all of my options including possible defences.

I understand the maximum punishment for this offence is \_\_\_\_\_. I understand the minimum punishment for this offence is \_\_\_\_\_. The Judge may/will also impose the following ancillary orders \_\_\_\_\_.

I understand and agree that:

1. I am entering this plea voluntarily and of my own free will;
2. I admit to the essential elements of the charge(s);
  - a. List elements
3. I understand that I am giving up my right to a trial and that there will be no trial;
4. I understand that the Judge/ Justice makes the final sentencing decision, regardless of what the lawyers may suggest in the case of a contested sentencing. In the case of a joint recommendation it shall be followed by the Judge/ Justice so long as the joint recommendation is not contrary to public interest;
5. I am satisfied that I have had full and complete legal advice.

X I understand there will be a joint recommendation on this sentence, being the following:

X I understand there will be no joint recommendation on sentence.

The Crown is requesting:

Defence is requesting (as discussed with you):

Dated this \_\_\_\_ day of \_\_\_\_\_, 201\_ at Halifax, Nova Scotia

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Signature  
Print Name:

### **Other Optional Clauses to Include**

I understand that by entering a plea of guilty I will have a criminal record of conviction in relation to this charge.

I understand that I will be eligible for a record suspension (formerly known as a pardon) \_\_\_ years after I complete my sentence.

[or]

I understand that I will not be eligible for a record suspension (formerly known as a pardon) in relation to this conviction.

I understand that if the Judge grants a conditional discharge the criminal record of the discharge will remain accessible in a criminal record check for a period of three years from the date that the Judge grants the discharge.

I understand that if the Judge grants an absolute discharge the criminal record of the discharge will remain accessible in a criminal record check for a period of one year from the date that the Judge grants the discharge.

I understand that the Registry of Motor Vehicles will revoke my driver's license upon notification of my criminal conviction. I understand that I will not be eligible to apply to restore my driver's license for at least \_\_\_\_\_ months/years.

I understand that a criminal conviction may also have an impact upon \_\_\_\_\_.

I understand that there is no right of appeal with respect to conviction. Stated differently, following a valid plea of guilty the only potential right of appeal will be with respect to sentence.

## Gladue- Application on Bail

### **Leading Authorities**

*R v Gladue*, [1999] 1 S.C.R. 688

*R v Ipeelee*, [2012] 1 S.C.R. 433

*R v Robinson*, 2009 ONCA 205

*R v Silversmith*, [2008] O.J. No. 4646

*R v Kakekagamick*, 2006 ONCA 3346

*R v Brant*, [2008] O.J.No.5375

### **Duties on Counsel**

There is a duty upon counsel to determine if the alleged offender identifies as Aboriginal, and if so, undertake to ensure that Gladue is applied properly. The individual coming before the court can have Gladue presented by the use of a Gladue Report or submissions of Defence counsel. If a Gladue Report is not requested Defence Counsel may have to call evidence. You would seek to have evidence provided by individuals with particularized knowledge in this area, a relative/friend of the accused, who knows of the some or all of the factors listed below, or the accused themselves.

### **Factors to consider**

1. Substance abuse personally and in the immediate family
2. Physical abuse in personal relationships
3. Violence in the family
4. Deterioration of Health
5. Low income and unemployment due to lack of education
6. Poverty
7. Mobility
8. Home and food security
9. Overt and covert Racism
10. Loss of identity, culture and ancestral knowledge

### **Contact**

Mi'kmaw Legal Support Network

Shannon Mooney

(responsible for all Aboriginal Youth and Adult within Nova Scotia.)

Halifax Regional Municipality

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