## Criminal Law – Court Elections and Re-Elections

* Only available for indictable offences other than those listed in ss 469 & 553
* If no election is made 🡪 accused is deemed to elect Superior Court of Justice with judge and jury
* If accused selects SCJ with judge or SCJ with judge and jury 🡺 will have a preliminary inquiry

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| **First Choice** | **Want to Change To:** | **When** | **What To Do** |
| Ontario Court of Justice | SCJ with Judge  SCJ with Jury | 14+ days before trial date | Re-Elect as of right  + notice to OCJ judge |
| Ontario Court of Justice | SCJ with Judge  SCJ with Jury | Less than 14 days before trial date | **Consent of Prosecutor required**  Notice to OCJ judge accompanied by prosecutor's consent |
| Superior Court of Justice | Ontario Court of Justice | **Before** the end of the Preliminary Inquiry | Notice to judge + **written consent of prosecutor** |
| Superior Court of Justice | Ontario Court of Justice | **After** the end of the Preliminary Inquiry | Notice to judge/clerk + **written consent of prosecutor** |
| Superior Court of Justice (Judge or Judge + Jury) | Whatever mode of trial in Superior Court wasn't initially selected | **Before** the end of the Preliminary Inquiry | Notice to judge + **No Crown consent required** |
| Superior Court of Justice (Judge or Judge + Jury) | Whatever mode of trial in Superior Court wasn't initially selected | **Within 14 Days of the Completion of the** Preliminary Inquiry | Notice to judge/clerk + **No Crown consent required** |
| Superior Court of Justice (Judge or Judge + Jury) | Whatever mode of trial in Superior Court wasn't initially selected | **15+ Days after Completion of the** Preliminary Inquiry | Notice to judge/clerk + **Crown Consent required** |
| Superior Court of Justice (Judge + Jury) 🡪**Direct Indictment** | Superior Court of Justice (Judge Only) | **ANYTIME** | **Consent of the prosecutor required** + notice to judge/clerk |