

Frequently Asked Questions About the Criminal Process in General:

What is an arrest warrant?

An arrest warrant is an order signed by the Judge authorizing the police to arrest a person believed to have committed a crime.

What happens to the person after arrest?

After arrest, the defendant (the accused) is taken to jail. Thereafter, he is brought before a Judge for an initial hearing. At this time the Judge sets the amount of bail, gives the defendant a copy of the charge(s), a copy of a no contact order (if one is issued), enters a not guilty plea for the defendant, makes sure the defendant has a lawyer if he cannot afford one, and schedules the trial date.

What if after my initial hearing I realize that I can't get an attorney on my own?

Contact the court that your case is filed in (Circuit or Superiors I, II, III, IV, or V) and request a public defender. You will probably need to come to the Courthouse in person and fill out a Minute Sheet. The judge of that court may schedule a hearing for you to come in and explain why you can't hire an attorney on your own.

I have a legal question, can anybody advise me on what to do?

Probably not. Prosecutors are permitted to give legal advice to police agencies and that is typically it.

Who can speak to the prosecutor?

Victims and witnesses involved in a case may speak to the prosecutor. The prosecutor is to have NO contact with any defendant unless it is in the courtroom.

What is a bond?

A bond is an amount of money paid by the defendant that allows the defendant's release from jail by ensuring his future attendance in court and compelling him to remain within the jurisdiction of the court.

What is a subpoena?

A subpoena is an official Court order requiring one to appear at the time and place noted, usually to testify at some court proceeding. You should bring your subpoena with you when you appear for court.

What happens if I ignore the subpoena?

The court may issue a warrant for your arrest for failure to appear.

What is a bench trial?

A bench trial is a trial in front of a judge.

What is a jury trial?

A jury trial is a trial in front of a jury of 6 (misdemeanor) to 12 (felony) people.

What is a deposition?

A deposition is the recorded testimony of a witness, given under oath in the presence of the defense attorney, prosecutor and a court reporter. The purpose of taking a deposition is to determine and preserve testimony of the witness.

What is a pre-trial conference?

A pre-trial conference is a date set aside by the court for defense attorney and prosecutor to meet and discuss the progress of the case before the Judge.

What is an omnibus date?

An omnibus date is a date set aside by the court for all paperwork pertaining to the criminal case to be completed and filed with the court. Usually the omnibus and pre-trial dates are the same.

What happens in a trial?

In a trial, the Prosecutor presents the case for the State and has the burden of proving beyond a reasonable doubt, through the testimony of witnesses, and other physical evidence, that the defendant did commit the alleged crime. The defendant may testify or

present evidence in this defense, but is not required to do so. The trial may be either before a Judge or before a jury.

Who can attend a trial?

Most court proceedings are open to the public; anyone may attend.

What is a plea agreement?

A plea agreement is an agreement between the Prosecutor and the Defendant and his defense attorney. The defendant pleads guilty to a charge and a trial is no longer needed.

What is a plea hearing?

A plea hearing is when the defendant goes before the judge and pleads guilty to the crime(s) he is charged with. If the crime is a misdemeanor, the defendant will be sentenced at the plea hearing. If the crime is a felony, it will be scheduled for a sentencing date within approximately 30 days, or longer as agreed to by the defendant.

How do I get a ticket fixed once I've taken care of the problem (expired plates, no proof of insurance, etc.)?

Once the problem is fixed, bring in to the Prosecutor's Office: a copy of the ticket, your driver's license, and proof that the problem is corrected. Copies will be made and given to the prosecutor. This process will take a few days; do not expect immediate results.