

## **PRELIMINARY APPEARANCE**

When a defendant has been arrested and placed in custody, the Judge will advise the suspect of his/her rights and order release on either bail or personal recognizance. If the Deputy Prosecutor can show good reason to believe that the defendant will not return for future court hearings, the Judge may order a bail to be paid before the defendant can be released. If bail is not set, the defendant is released on personal recognizance. If there may be danger to the community by releasing the subject, the Judge may hold the defendant without bail and retain him/her in jail.

## **ARRAIGNMENT**

Once charges have been filed by our office, the defendant is advised of those charges at the arraignment. The defendant is advised to retain an attorney, if the defendant cannot afford an attorney, the court will provide one. The court will decide on the issues of bail or release conditions, as well as warn the defendant to have no contact with the victims or witnesses involved in the case.

If the defendant enters a guilty plea, a sentencing date will be set and the trial process will be avoided. If the defendant enters a plea of not guilty, then future hearing dates will be set.

An omnibus hearing may be set to determine if there are any additional requests for prosecution information or any other legal questions the attorneys may request that the court decide upon. A hearing may need to be set to determine if a confession or evidence seized is legally admissible. These hearings are called 3.5 and 3.6 hearings.

## **BURDEN OF PROOF TO CONVICT**

The law presumes every person accused of a crime to be innocent. The legal system treats the defendant as innocent until legal guilt has been established in court. This is called the Presumption of Innocence.

The law requires that the prosecution prove the defendant guilty "beyond a reasonable doubt". This means that if the Judge or jury has a reasonable doubt as to the defendant's guilt, it must resolve that doubt in favor of the defendant and find him/her not guilty.

Proof of guilt beyond a reasonable doubt must be established by legally admissible evidence. The law has strict rules about how evidence may be obtained and how it may be used by the prosecutor to establish guilt.

## **TRIAL**

The parties will decide whether a jury or only a Judge should hear the evidence.

The first day of the trial consists of jury selection and opening statements. This often takes several hours. The Victim-Witness Unit will do its best to keep each witness informed of the time to appear, but expect some delay.

There is a requirement that each witness testify only to the facts within his/her knowledge. Most of the time the witnesses will be asked to remain outside the courtroom until they are called to testify. This is done to make sure each witness testifies about only the facts known by that witness.

## **SENTENCING**

Sentencing takes place after the defendant enters a guilty plea or is found guilty. Usually the court sets a hearing date for the future. The sentencing Judge may have three recommendations for that sentencing - one from the prosecutor, one from the defense attorney, and one from the Department of Corrections. Victims and survivors of victims have the right to speak with the Judge at the sentencing hearing or submit a letter prior to the sentencing hearing.

The Judge will sentence the defendant to county jail or the Washington State Department of Corrections, require payment of courts costs and fees, require payment of restitution, and establish conditions for supervision after the defendant is released.