

Below are the steps and some common words and their definitions that you will hear while going through the court system. If you would like any further information, please reach out to your Victim Advocate.

Arrest: the decision to arrest a perpetrator is up to the law enforcement agency in the jurisdiction where the crime occurred. Suspect(s) are then taken to jail, fingerprinted and photographed.

First Appearance: This occurs within 24 hours of an arrest. Each suspect may be kept in jail and appear before a Judge who will establish whether charges are reasonable, whether a bond should be set and if so, the amount and any conditions (rules) they would have to adhere to once released. You may attend this hearing, but your presence is not required.

Arraignment: If the decision to file charges is made by the State Attorney's Office the defendant will appear at a hearing before the Judge, who advises them of their rights and the charges against them. If the defendant cannot afford to hire an attorney, the judge may appoint an attorney (public defender) to represent them. At this time the defendant may plead "guilty" or "no contest" (not admitting guilty but accepting consequences) and then proceed to sentencing. If the defendant pleads "not guilty" the case will proceed to the next stage and be scheduled for a Docket Call. You may attend this hearing, but your presence is not required unless informed otherwise.

Docket Call (Pre-Trial Conference): A docket call is a court hearing where a judge reads through a list of scheduled cases to check their status, confirms if both sides are ready for trial or need continuance and handles scheduling requests. Many times, the Defense Attorney will waive the defendant's appearance for this hearing, and a new court date notice is sent to them. Victims are not required to attend.

Continuance: A continuance is a request to the judge to postpone or continue the case for a variety of different reasons.

Subpoena: There are two types of subpoenas which is a court-ordered legal document requiring a person to appear and testify about the facts of a case. If you fail to appear in court in response to the subpoena, you risk being held in contempt of court.

Deposition Subpoena: This is issued and scheduled by the defense attorney. If there is a scheduling conflict contact the defense attorney's office, their information is typically provided on the subpoena.

Trial Subpoena: This is typically issued by the State Attorney's Office but could be issued by the defense as well. The recipient calls when they received it and then call in on the day listed on the subpoena to determine if they are needed at the listed date and time or if the court date was continued/postponed. If instructed, the recipient must appear at the exact date, time, and location listed, or coordinate an acceptable alternative with the issuing attorney.

Deposition: At this proceeding, a defense attorney takes sworn testimony from law enforcement, experts, victims and witnesses. The testimony will be recorded and possibly transcribed later and used to compare testimony provided at trial. Present at the deposition is the person being deposed, the defense attorney (NOT the defendant) and the prosecutor. Victims are entitled to have a Victim Advocate to be present at the deposition.

Plea Negotiation: Many cases can be settled without a trial, through negotiations between the prosecutor and defense attorney. The Victim will be consulted and their views considered during this process, however, the ultimate decision will be the prosecutors. If the plea offer is accepted this eliminates the need for a trial.

Trial Status/Trial Docket: This is the last court event prior to jury selection. The State and Defense are asked to confirm that each is ready for trial and that each party's witnesses are under subpoena and available. From here the judge will schedule the case for a trial week.

Jury Selection: Jury Selection is a legal procedure where the judge and attorneys question a pool of prospective citizens to choose an impartial group of jurors to hear a court case. The goal is to eliminate bias and seat a fair, balanced jury. Once a jury has been selected and sworn in the case(s) are set to proceed during the trial week.

Trial: A trial is a proceeding where witnesses testify under oath before a judge and usually a jury. It is the Judge or Jury that determines if the case has been proven beyond a reasonable doubt. Juvenile cases are heard by judges only.

Verdict: A verdict is a formal decision or judgment made by a jury or a judge in a court case of guilty or not guilty.

Sentencing: If the defendant is found guilty or a plea is negotiated, the judge decides what the sentencing could be imposed. While the judge has some discretion in the sentencing, they must still follow the sentencing possible penalties, the Victim has the right to make an impact statement to the judge at the sentencing.

As a victim of a violent crime or owner of property stolen, damaged or misused, you may have to testify at a trial. This may bring up a lot of concerns and feelings. We have provided some information and explanations of the process below.

Prior to Testifying

- Dress neatly and conservatively for Court. Avoid clothing with slogans, political messages, or pictures of the victim, as judges frequently ban these to prevent bias.
- Plan on waiting for long periods. Everyone who will be called to testify will be asked to wait in the hall until they are called. Bring water and snacks if allowed, also items such as a journal or book. Refrain from bringing devices that make noise that could disturb others. If earphones are utilized please be sure that the volume is also at a level that does not disturb others, but more importantly, so you will be able to hear when you are called.
- You may bring a trusted support person, as long as they are also not being called to testify. They can wait with you and then enter the courtroom when you are called.
- Do not discuss your testimony with other witnesses or anyone out in the halls. You are allowed to discuss your testimony only with the attorneys
- Do not make statements to the media prior to or during a trial without first checking with the Assistant State Attorney.
- Be on your best behavior in and around the courtroom. When court is not in session, jurors may be in the corridors, elevators, etc.

During Testimony

- Tell the truth.
- Do not memorize your testimony but try to review the facts before the trial.
- Relax, speak loudly and clearly, directing your answers to the jury.
- Be polite when answering questions. Do not lose your temper. Defense attorneys may try to make you angry or confused. Remain polite, look the judge or jury in the eye, and never argue back. You can always ask the judge for a brief recess if you feel overwhelmed
- Listen carefully to each question before answering and if you do not understand the question, say so.
- If you do not have an answer, say so. Do not guess. Avoid answers such as “I think,” “I believe,” or “I guess so.”
- If your answer needs an explanation, say so, and then explain or if you make a mistake in answering a question, say so and correct it.
- Give a well thought out answer and do not volunteer information. Give short answers if that is what is called for: “yes” or “no”, if that is what is appropriate.
- Pause for objections: If an attorney stands up and says "Objection," stop speaking immediately. Wait for the judge to rule ("sustained" means do not answer; "overruled" means you may answer).