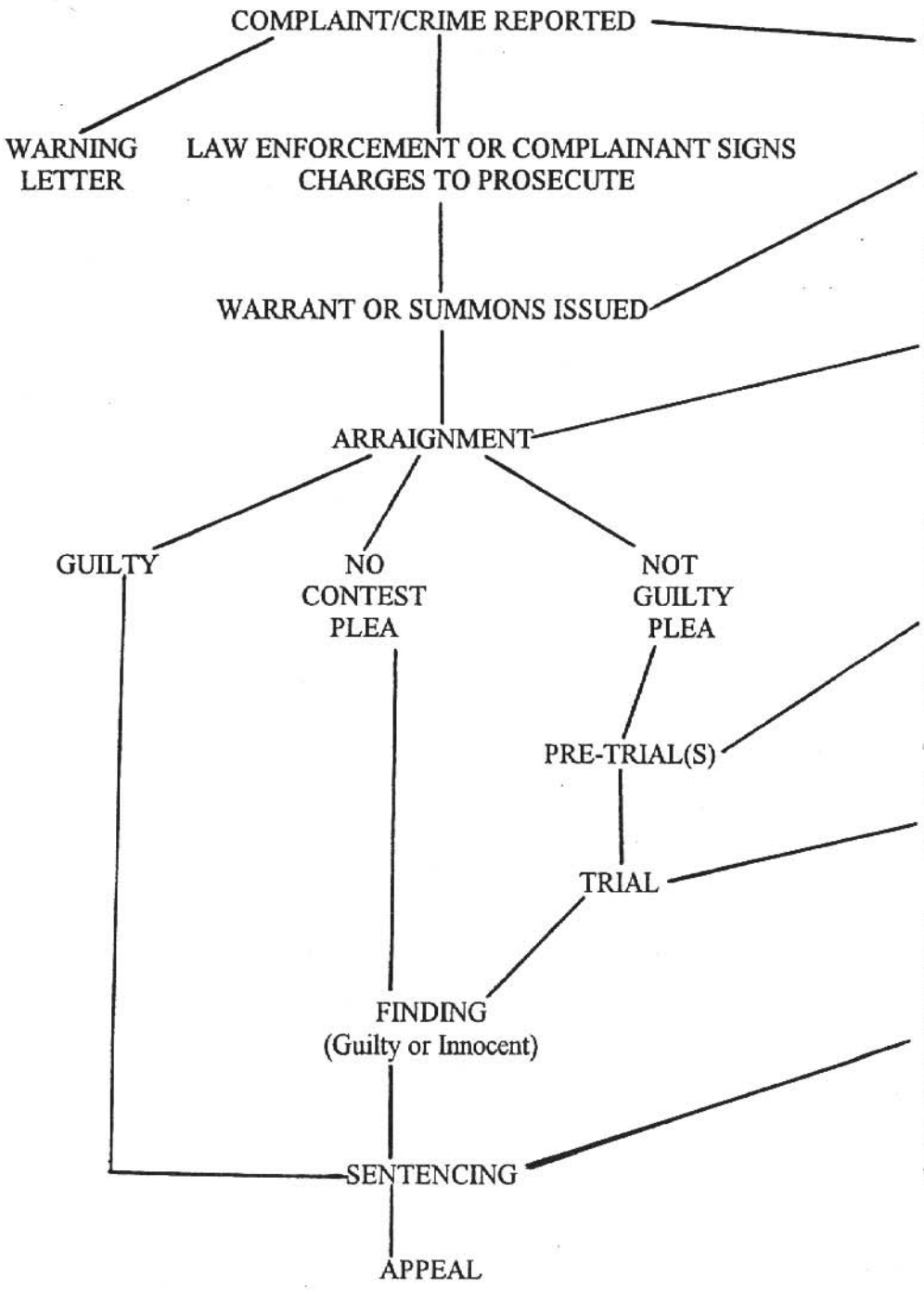
MISDEMEANOR STEPS IN THE CRIMINAL JUSTICE SYSTEM

(Case may be dismissed at any point)



EXPLANATIONS:

Victim or witness reports crime or law enforcement observes crime.

A summons requires the accused to appear in court. A warrant requires the arrest of the accused. Law enforcement serves warrants and summons.

Defendant informed of charges; attorney may be obtained, plea entered, and bond set. If someone fails to appear when summoned, the Court issues a warrant. The defendant has three choices how to plead: (1) guilty, (2) no contest - defendant does not admit or deny the charge and lets the Judge determine guilt or innocence based on the facts of the prosecution (A plea of no contest cannot be used against a person in civil suits), or (3) not guilty- case is scheduled for trial.

Motions filed and/or plea agreement reached. In plea bargain, the prosecutor allows the defendant to plead as charged, to reduced charges, or to different charges. A plea bargain can avoid the time and delay of trial. Additionally, a plea to a lesser charge insures that the defendant will receive a penalty. The plea also creates a criminal or traffic record. A defendant's advantages in a plea bargain might include avoidance of being found guilty as charged as well as the avoidance of the time and expense of a trial.

Trial by Jury or Judge occurs if no plea agreement is reached. Must be found guilty BEYOND A REASONABLE DOUBT by every juror or the judge.

Except in the case of mandatory sentences, sentencing is decided by the court within general guidelines. Sentencing occurs in open Court and you have the right to be present. The Court generally asks the probation department if it has any comments concerning sentencing. At that time, the probation officer also notifies the Court whether or not the victim is present, and if the victim would like to address the court. Any Victim Impact Statements are made available to the defense attorney at this time. Thereafter, the defense attorney and the defendant are given an opportunity to say something on behalf of the defendant, in order to lessen the sentence. The Court then issues its decision as to the sentence to be served by the defendant.

Adapted from "Victim Rights in Misdemeanor Prosecutions" of Crime Victim Services: Allen and Putnam County, Ohio.