

Criminal Trial 101: What Happens and When

Pre-Trial

Arraignment - first court date in which the defendant is formally informed of charges against them. Arraignment is the first opportunity for the defendant to enter a plea.

*What is a **Plea Agreement/Bargain**?* It is when a defendant agrees to plead guilty to a lesser charge.

Preliminary Hearing – when the prosecution presents evidence to the judge. The judge will determine if there is sufficient probable cause for a trial.

Jury Selection: One of the first processes a prosecutor and defense attorney must undertake is the selection of jurors. Jurors are selected to listen to the facts of the case and to determine if the defendant committed the crime. Twelve jurors are selected randomly from the jury pool – a list of potential jurors compiled from voter registration records.

When selecting the jury, the prosecutor and defense attorney may not discriminate against any group of people. A jury should represent all types of people, races, and cultures. Both lawyers are allowed to ask questions about their potential biases and may excuse jurors from service. Each side is allowed to excuse certain potential jurors without providing a reason by using a limited number of “peremptory challenges.” The jury selection process can last several days.

Opening Statements: When the prosecution and the defense introduce their case to the judge and/or jury. The statements are usually short like an outline and do not involve witnesses or evidence.

Presentation of Evidence: Presentation of evidence is the stage in which the case is argued. Witnesses are called and evidence is presented. Following the prosecutor’s examination of a witness, the defense attorney has an opportunity to cross examine or ask questions to the same witness. The prosecutor can then do a redirect examination of the witness, in which the prosecutor asks the witness final questions to clarify any confusing testimony for the jury. Following the prosecutor, the defense then presents witnesses and evidence to the jury.

Closing Arguments: After the defense’s direct testimony and cross examination by the prosecutor of all the witnesses, the defense rests, and the prosecutor and defense attorney prepare for closing arguments. Closing arguments provide the prosecutor and the defense attorney a final opportunity to talk to the jury. These arguments allow both attorneys to summarize the testimony and evidence, and ask the jury to return a verdict of guilty or not guilty.

Jury Deliberations: Following closing arguments, the judge informs the jury of the appropriate laws to consider and what they must do to reach a verdict. The jury then deliberates in a private location to determine guilt or innocence.

Verdict: Once a verdict is reached, the jury returns to the courtroom to announce their verdict (decision). If the defendant is found guilty the judge will schedule a sentencing date to determine the appropriate punishment.

Sources: Ohio Criminal Defense Lawyers and United States Department of Justice