

THE COURT PROCESS

1. Arrest: The client is detained by the police and booked into the Salt Lake County Jail.
2. Arraignment: Our client is brought before a judge by means of a video camera set up in the jail and read or given notice of the charges against him. If the client cannot afford an attorney, the Judge will appoint one (Salt Lake Legal Defender Association) to legally represent the client. A Roll Call hearing is also determined at this time.
3. Roll Call: Defense Counsel will appear with the client in court to take care of issues that need to be addressed prior to the Preliminary Hearing. This usually includes scheduling a date for the Preliminary Hearing, making requests for release from jail or bond reductions, and finally requests by Defense Counsel for discovery materials. (Discovery is the information and or evidence gathered by the State that is against our client). There may be more than one roll call hearing.
4. Preliminary Hearing: This is the most important and most emotional of the early court hearings. The State must (1) put on enough evidence to establish that a crime took place, and (2) to establish that “more likely than not,” that our client committed, or is a party to the alleged crime. This threshold of evidence is known as “probable cause.” If there is enough evidence or probable cause (and you must expect that the judge will find that there is), the case is bound over – meaning the case is scheduled for a trial. In essence, the preliminary hearing is designed for the State to put forth sufficient evidence to get the case bound over to the trial court. The preliminary hearing also provides Defense Counsel an opportunity to cross-examine the State’s witnesses in an effort to determine the strength and type of evidence the State may have against the client. The client has a right to testify and give evidence at this hearing but it is usually not in the client’s best interest to do so, as this exposes the client’s defense strategies and witnesses to the State / Prosecution. The case is then scheduled and set for trial in the District Court.
5. District Court Arraignment-Scheduling Conference: Our client must appear before the assigned trial judge and enter “not guilty” pleas. Remaining court dates are usually scheduled at this time.
6. Motion Hearings: There will be numerous court hearings concerning pre-trial matters. The most important will concern motions that Defense Counsel will raise on behalf of the client. Defense counsel will argue all matters to ensure that the client will receive a fair trial once the case is put before a jury. These can take several days to argue and are often scheduled over a period of months.
7. Pre-Trial Conference: All final matters are settled. The case is ready to be put to a jury.
8. Trial: This may take weeks to do. A jury must be selected. Then the State puts on its proof concerning the crime. Defense Counsel will then put on the defense. The instructions are read to the jury, closing arguments are made by both sides, and the State’s counsel makes a final “rebuttal” before the matter is given to the jury. The jury then decides whether or not the client is guilty or innocent of the alleged crime.
9. Defense counsel will formally engage in plea negotiations with the State on behalf of the defendant. Should the State decide to offer a plea bargain agreement, Defense Counsel must notify the client of the offer. Accepting the plea offer to settle the case or deciding to go to trial is solely the client’s decision. Any questions concerning the settlement process should be referred to the lead attorney.