

NAVIGATING THE CRIMINAL JUSTICE SYSTEM

Criminal court proceedings can be unfamiliar and intimidating. Some people have never been inside a courtroom and don't know what to expect.

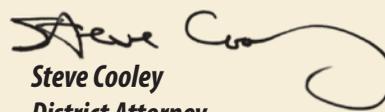
This pamphlet is intended to explain the criminal justice process as it applies to adults and juveniles charged as adults and acquaint readers with common terms. It also explains some services and rights available to crime victims.

In the Los Angeles County District Attorney's Office, our primary mission is to prosecute criminals, and the cooperation of victims and witnesses is critical to achieving justice.

To that end, the District Attorney's Victim-Witness Assistance Program helps victims and witnesses as they take part in the process.

We hope this pamphlet helps victims, witnesses and members of the public better understand how the criminal justice system works.

To learn more about the District Attorney's Office and its programs, visit our website at <http://da.lacounty.gov>.


Steve Cooley
District Attorney
Los Angeles County

THE PROCESS

Law enforcement personnel investigate crimes and, if sufficient evidence is found, make arrests. But an arrest is just the first step in the criminal justice process.

After an arrest, prosecutors determine if there is sufficient evidence to file charges. If such evidence exists, a criminal complaint is filed in court.

In criminal cases each side is represented by an attorney. Deputy district attorneys, who represent the People of the State of California, prosecute criminal cases. A defendant has a constitutional right to be represented by an attorney. If a defendant cannot afford an attorney, one will be appointed by a judge. Under certain circumstances, a defendant may represent himself/herself.

Once a felony complaint is filed, the case is presented to a judge at a preliminary hearing or to a grand jury to determine if there is sufficient evidence to proceed toward trial.

If the defendant pleads guilty or is convicted at trial, he/she will be sentenced by a judge to prison, jail, probation or other conditions of punishment.

If the defendant is acquitted at trial, he/she will go free.

KEY LEGAL TERMS

Acquittal: A final determination by a judge or jury that the prosecution did not prove the defendant was guilty beyond a reasonable doubt.

Arraignment: A court proceeding at which a defendant is brought before a judge, informed of the charge(s) against him/her, and a plea – usually not guilty – is entered.

Closing Argument: After all testimony and evidence has been presented at trial, the prosecutor and defense lawyer each makes a final statement summarizing his/her case.

Complaint: A document filed by the prosecution accusing one or more persons of committing one or more crimes.

Continuance: A delay in court proceedings ordered by a judge for a variety of reasons.

Conviction: A final determination that the defendant committed the crime(s) as charged. A conviction occurs when a judge or jury finds the defendant guilty or when the defendant pleads guilty or no contest.

Felony: A serious crime that can be punishable by a state prison sentence or the death penalty. Some felonies are “wobblers” and may be charged as misdemeanors.

Grand Jury: A 23-member panel of citizens empowered to hear evidence presented by the prosecution and issue *indictments*, which are documents charging one or more persons with committing one or more crimes.

Misdemeanor: A crime that is punishable by no more than one year in county jail or generally a \$1,000 fine.

Motion: A written or verbal request by an attorney asking a judge to make a legal ruling in a case.

Opening Statement: Before any testimony or evidence is presented at trial, the prosecutor and defense lawyer each makes a statement outlining evidence he/she expects to present.

Plea: A defendant's answer to the charge(s) against him/her. A defendant may plead not guilty, guilty or no contest.

Preliminary Hearing: A court proceeding in felony cases at which the prosecution must present evidence to support the charge(s) filed against a defendant. A judge decides if the evidence is sufficient and if the case should proceed toward trial.

Presumption of Innocence: A principle of criminal law that requires prosecutors to prove the guilt of a criminal defendant and eliminates any burden the defendant has to prove his/her innocence.

Reasonable Doubt: A standard of proof that must be surpassed to find a defendant guilty of a crime; a doubt based on reason and common sense after careful and impartial consideration of all the evidence.



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Restitution: Money paid to a victim who suffered financial losses such as stolen property, medical bills and funeral expenses resulting from a crime.

Sentencing: A court proceeding at which a judge sets a convict's punishment, which can include a prison, jail or probation term or other conditions.

Subpoena: A legally binding summons to appear in court.

Testimony: Any statement made, or answer given, by a witness who is under oath in court. Witnesses may encounter two forms of questioning when they testify:

Direct Examination is the initial questioning of a witness by the attorney who called that person to testify. Both prosecutors and defense lawyers may call witnesses.

Cross-Examination is the questioning of a witness by the opposing lawyer who did not call that person to testify. Cross-examination is intended to clarify or discredit testimony given during direct examination.

Verdict: The jury's final unanimous decision determining if a defendant is guilty or not guilty. If jurors cannot reach a unanimous verdict, a judge will declare a mistrial and the defendant may face a new trial before a new jury.

ATTENDING COURT PROCEEDINGS

Victims, their family and friends and members of the public may attend court proceedings to watch legal arguments, testimony and court rulings. To comply with court etiquette please:

- Dress neatly.
- Do not wear or display any buttons or other items identifying the victim.
- Leave drinks, food and gum outside the courtroom.
- Stand when instructed to do so by the bailiff or judge.
- Refrain from talking inside the courtroom.

■ Do not talk near a member of the jury or attempt to talk to or communicate with a member of the jury.

■ When the verdict is being read, refrain from any verbal outbursts or other disruptive reactions.

The judge may exclude from the courtroom persons who cause a disturbance or do not follow court decorum.

Victims and their families and friends must avoid confrontations with a defendant's family and must not communicate with a defendant.

Promptly notify police and court officials if any threats, intimidating behavior or attempts to dissuade a victim or his/her family from taking part in proceedings occur.

In criminal homicide cases, graphic photos of the victim may be presented as evidence. Certain family members may consider leaving the courtroom before the presentation of this evidence.

TESTIFYING IN COURT

A witness called to testify by either the prosecutor or the defense attorney should:

- Always tell the truth.
- Listen carefully and answer only the question asked; answer "yes" or "no" if the question calls for it; and not volunteer additional information.
- Ask that the question be repeated if it is confusing or not understood; and not guess if he/she does not know the answer.
- Be patient and courteous answering attorneys' questions – both attorneys are allowed to question witnesses.
- Ask to review his/her prior statements related to the case – such as statements to police – before taking the stand; be prepared to answer questions about them.
- Wait until the judge tells him/her to answer the question when an attorney objects to a question.
- Speak loudly and clearly.
- Dress neatly.

VICTIM ASSISTANCE

The District Attorney's Victim-Witness Assistance Program is available in courthouses and police stations throughout the county to assist crime victims who suffered injury or were threatened with injury.

Victim services representatives provide assistance and resources to victims to help keep them safe and counseling referrals to address the trauma of victimization.

In addition to helping victims obtain restitution, victim services representatives provide crisis-intervention services and necessary referrals to crime victims and their families; assist in requesting protective orders; guide crime victims through the court process; help arrange emergency shelter, food and clothing; and assist in filing for compensation through the California Victim Compensation Program.

Victims of violence or threats of violence with police reports on file may be eligible to receive compensation for qualifying losses and expenses related to the crime such as loss of wages and relocation, medical and counseling expenses.

Staff members are available to assist victims in several languages.

LOS ANGELES COUNTY
DISTRICT ATTORNEY'S
VICTIM-WITNESS
ASSISTANCE PROGRAM
1-800-380-3811
<http://da.lacounty.gov/vwap>

VICTIM IMPACT STATEMENT

At a defendant's sentencing, the victim has the right to make a statement explaining how the crime affected him/her and his/her family and friends. If the victim is unable or reluctant to speak in court, he/she may have someone else read the statement or may submit a recorded or written statement to the judge.

RESTITUTION

Victims are entitled to have the sentencing judge order the convicted defendant to pay for financial losses stemming from the crime. Victims should give information about the loss, including the dollar amount, to prosecutors, probation officials and Victim-Witness Assistance Program staff. Receipts and other supporting documents proving losses should be kept and made available for a restitution hearing that the judge may order.

If the convicted defendant has declared bankruptcy, he/she still must pay restitution. A convict sentenced to prison will have restitution deducted from his/her prison account and wages.

NOTICE OF PAROLE

A victim has the right to be informed of all parole hearings and to provide information for consideration before a decision is made to release the convict.

A victim also has the right to be informed of any change in the convict's status, such as release upon completion of sentence, escape or death.

To assure notification, a victim should complete the California Department of Corrections and Rehabilitation (CDCR) **Request for Victim Services** Form 1707 and always keep the CDCR's Office of Victim and Survivor Rights and Services informed of his/her current address. To obtain the form and filing instructions call **1-877-256-6877** or visit www.cdcr.ca.gov/victim_services.