

WHAT HAPPENS AT TRIAL?



The trial may be before a jury of twelve people, or a judge alone if the defendant so requests. The trial begins with both sides having an opportunity to make an opening statement on the facts they expect to

prove. The prosecutor then presents the State's case by using witnesses and exhibits. When the prosecutor has finished, the defense attorney may give an opening statement if it has not already been given. The defense attorney then may present a case using witnesses and exhibits. The defendant is not required to prove anything. The defendant is present in the courtroom during the entire trial. The defendant can decide not to testify. Once the defense has completed its case, both sides are allowed to make closing arguments, with the prosecutor going first. After the defense attorney's closing argument, the prosecutor may again speak to comment on statements made by the defense attorney. The judge or jury will then review the evidence they have heard and make a decision of guilty or not guilty. The defendant must be proven guilty by the prosecutor beyond a reasonable doubt.

HOW DOES A JUDGE DECIDE A SENTENCE?



The sentencing judge must apply the "Minnesota Sentencing Guidelines" which give a presumptive sentence that a defendant should receive based upon the seriousness of the crime and the defendant's

criminal record. When a probationary sentence is called for by the Guidelines, a judge may impose

county jail time, fines, treatment, restitution, or other requirements as conditions of probation. Before sentencing, a presentence investigation may be prepared which includes a social history of the defendant, criminal history of the defendant, victim impact and other information and recommendations. The prosecutor and defense attorney also may make recommendations to the judge regarding sentencing.

HOW CAN VICTIMS BE COMPENSATED FOR THEIR LOSS?



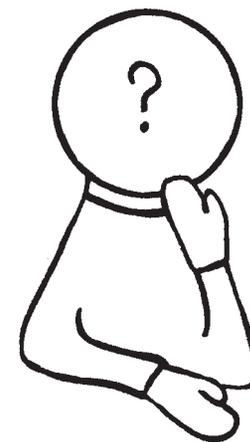
Restitution (payment of financial losses) can be ordered by the sentencing judge as a condition of the defendant's probation or prison term. Your request for restitution must be in writing; it must list the items for which you are requesting restitution, the dollar amount requested, and the reasons for your request. The Dakota County Attorney's Office will assist you in preparing your restitution request. Your request must be signed and submitted to the "Clerk of Court" at the courthouse where the sentencing will be held. If you need additional information about your restitution request, please contact our Victim Witness Program at (651) 438-4548. You or others may be eligible for compensation for some of your economic loss from the Minnesota Crime Victims Reparations Board. Economic loss may include medical-related expenses, psychological-related expenses, loss of income, child care services, loss of support, and burial expenses. For further information contact:

Crime Victims Reparations Board
445 Minnesota Street, Suite 2300
St. Paul, Minnesota 55101-1515
Telephone: (651) 201-7300
1-888-622-8799
TTY: (651) 205-4827
Fax: (651) 296-5787

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A CRIMINAL CASE

What Happens Next?



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The Dakota County Attorney's Office is responsible for prosecuting all felonies and some gross misdemeanors, misdemeanors, and petty misdemeanors which happen in Dakota County. To serve you, here are answers to some common questions.

WHAT HAPPENS NEXT?



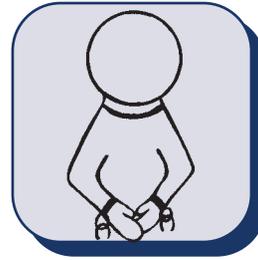
When a Complaint (the criminal charging document) is issued by the County Attorney's Office and signed by a judge, the defendant is scheduled for a first appearance in Court. A judge will then insure that the defendant is represented by

an attorney. The judge also decides whether the defendant should be held in jail or be required to post bail until the trial. If requested, an Omnibus (pretrial) Hearing is scheduled. At the Omnibus Hearing, a judge decides what evidence may be used and whether there is enough evidence for the case to go to trial. Testimony from victims and witnesses is usually not necessary at the Omnibus Hearing. After the judge decides the Omnibus Hearing issues, the trial is scheduled. The trial usually is scheduled within six to twelve weeks unless the defendant asks for or agrees to a trial at a later date.

The law requires counties to offer some offenders the option to participate in a diversion program rather than continuing through the court system. Certain first time property offenders may be eligible for the Dakota County Adult Diversion Program. The goals of diversion include creating an incentive for offenders to change their behavior, ensuring full and prompt payment of restitution to crime victims, holding offenders accountable to society, and reducing costs associated with the criminal justice system.

WHY ARE SOME DEFENDANTS NOT IN JAIL AFTER THEY HAVE BEEN ARRESTED AND CHARGED?

Under the laws of the United States and Minnesota, a defendant is presumed innocent until proven guilty. A defendant's release on his promise to appear at future court appearances is common. If the court determines that the defendant is unlikely to appear at future court dates or is a threat to public safety, bail or special conditions of release, such as no contact with victims or witnesses, may be imposed. Bail is a deposit of money held by the Court which can be forfeited if the defendant fails to appear in Court, breaks the law, or violates the conditions of release. You should notify the prosecutor of any concerns you have regarding a defendant's release or known violations of a defendant's release conditions.



WILL THIS CASE GO TO TRIAL?



Less than five percent of criminal cases go to trial. In most cases, the defendant pleads guilty. A plea negotiation is an agreement between the prosecutor and defense attorney to settle a criminal case by a plea of guilty or other appropriate disposition without a trial. A defendant can enter a guilty plea at any pre-trial hearing. A prosecutor must make a good faith effort to notify a victim of the contents of a plea agreement prior to the entry of a plea. A victim has a right to be present at a plea hearing and express any objection to the agreement or proposed sentence.

WHAT DO YOU DO PENDING THE TRIAL?



As a victim or witness, your cooperation with the prosecutor and law enforcement is essential. You may be contacted for further information. You will be informed by the County Attorney's Office of any special things you should do

pending trial. If you change your address or phone number, please contact the County Attorney's Office as soon as possible.

In rare instances, the defendant or others attempt to influence the victim or witness through threats or coercion. Tampering with a witness is a crime punishable as a felony offense. Any concerns, threats or property damage you have should be reported **immediately** to your local law enforcement agency and our office.

WILL YOU HAVE TO TESTIFY?

Testimony of victims is usually not required until the trial. Whether you will have to testify will be determined at the time of trial. The case may be settled through plea negotiations. This usually means no testimony from victims or witnesses is necessary. If your testimony is needed, you will receive a subpoena or notice to appear telling you where and when to appear. Additional information will be sent to help you prepare for your court appearance.

