

# Criminal Hearings

## Citation/Complaint

- A citation or complaint is made by the Meskwaki Nation Police Department. A report by the arresting officer is sent to the Attorney's Office.

## Arraignment

- Persons held in custody will be taken to before the Judge. This Arraignment will read you your trial rights and will assure that the individual was properly charged and that the complaint and affidavit on file is correct. You will be able to apply for a public defender or have an attorney appointed to you should you chose. If the bail amount was not set in the arrest warrant, it will be set at this time. You will enter a plea of Guilty or Not Guilty. If you plead guilty you will have your obligations determined at this time. If you enter a plea of not guilty, you will move to the next phase.

## Pre-trial

- This will be the next step if you plead not guilty. You will have a chance to state your side with facts and evidence. You may have a couple trials before you come to an agreement with the Judge.

## Jury Trial

- If you do not agree with the outcome you may appeal and choose to have a jury trial. Most Cases reach a settlement or agreement, through compromise and common sense. Reaching a settlement or agreement can save parties a lot of time and money. If you do not reach a settlement or agreement, you may end up with a trial. This is a time where parties bring their evidence to court for the judge or jury to consider. This is done in four parts:
  - 1. Opening Statement- Time to tell the judge or jury about your case and what you are asking for.
  - 2. Direct Examinations- Your Witnesses give testimony and bring out facts for the judge and jury to hear
  - 3. Cross-Examination- This is the time you have to question the other party's witnesses. To find answers and answer inconsistencies in the other parties story.
  - 4. Closing Argument- Last chance to speak to the court. Give your opinion about the case using an argument based on the evidence presented.
- Judgement or Decision- After considering all evidence, the judge or jury will make a decision. This includes; payment/collection of money, assignment of responsibilities, or change assigned responsibilities.

# Civil Hearings

## Petition

- If you wish to have a case heard by the Court, you must first complete a petition and file it with the Clerk of Courts. Standard Forms are located on the Court Website, under the Forms section, or may be picked up at the Justice Center. Please see Filing Fees (make this a link to filing fees.) Fee waiver forms are available here or at the Justice Center.

## Service of Process

- After a petition has been filed, you must “serve,” or deliver, the papers filed with the court to the other party. After the Respondent(s) have been served, they will respond by filing an “answer” with the Clerk of Courts. This “Answer” explains and provides their point of view and response in regards to the petition.

## Initial Hearing

- Parties’ informational status, if parties stipulate and agree can complete the case. If someone stipulates or disagrees then you will proceed to the next hearing

## Settlement or bench trial

- Most Cases reach a settlement or agreement, through compromise and common sense. Reaching a settlement or agreement can save parties a lot of time and money. If you do not reach a settlement or agreement, you may end up with a trial. This is a time where parties bring their evidence to court for the judge or jury to consider. This is done in four parts:
  - 1. Opening Statement- Time to tell the judge or jury about your case and what you are asking for.
  - 2. Direct Examinations- Your Witnesses give testimony and bring out facts for the judge and jury to hear
  - 3. Cross-Examination- This is the time you have to question the other party’s witnesses. To find answers and answer inconsistencies in the other parties story.
  - 4. Closing Argument- Last chance to speak to the court. Give your opinion about the case using an argument based on the evidence presented.
- Judgement or Decision- After considering all evidence, the judge or jury will make a decision. This includes; payment/collection of money, assignment of responsibilities, or change assigned responsibilities.

## Other Information and Definitions

### **A trial usually consists of the following steps:**

Opening Statements (State's and then the Defense's)

State's Witnesses and Evidence

Defense Witnesses and Evidence

Closing Arguments

Court's Instructions to the Jury

Jury's Deliberation (decision)

Jury's Verdict

1. Hung Jury (cannot come to a unanimous verdict)
2. Not Guilty
3. Guilty

### **Pre-Sentence Investigation**

After the plea or verdict of guilty, the offender may be referred by the Judge to a probation officer who interviews the offender to determine his special problems, such as drugs/alcohol or a psychological evaluation. The officer then submits a report to the Judge with recommendations regarding sentencing of the offender. This is when victims have the right to Complete a Victim Impact Statement. This document allows you to express your views about the case to the Sentencing Judge.

### **Sentencing**

Victims and witnesses have the right to attend the Sentencing Hearing. Sentencing usually takes place two to six weeks after a plea or verdict of guilty. All crimes are classified in degrees of either a "felony" or misdemeanor." The most common types of sentences imposed are:

1. Entry of Conviction and Imposition of sentence --- defendant must serve the sentence that the Judge imposes.
2. Entry of Conviction and Suspended sentence --- Judge pronounces sentence and then suspends all or part of it. If the defendant then successfully completes a period of probation, he/she will not have to serve the remainder of the sentence.
3. Deferred Judgment-- Judge does not pronounce a sentence and instead places the defendant on probation. If the defendant successfully completes a term of probation, the crime will not count against the defendant on his/her criminal record.

### **Probation**

Probation provides control, supervision and rehabilitation for defendants. The defendant must report to a probation officer regularly and must follow specific rules and conditions of the Probation. Probation also gives the defendant a chance to make restitution more quickly if any damages were suffered by the victim of the crime.

### **Parole**

If the criminal is incarcerated in a state facility, the corrections authorities acquire jurisdiction over the prisoner. However, the Judge can reconsider a sentence of incarceration within 30 days (misdemeanors) or within 90 days (felonies). After that period has elapsed, the corrections authorities can set a date of release at their discretion within the minimum and maximum limits set by the legislature. Victims are allowed input into the parole hearings. Victims may present

information to the board by written statements or personal interview. Victims may also attend the scheduled parole hearings in person and will be afforded the opportunity to give testimony.

**ANY QUESTIONS?????**

You have a right to know how the system works. If at any time during the progress of your case you do not understand what is happening or why, ask questions. You are always welcome to contact the Victim Witness Program at 484-3020.

**THREATS OR HARASSMENT**

On occasions, witnesses are threatened or harassed by the suspect or family members/friends of the suspect. Tampering with or harassing a witness are crimes. If this happens to you, contact the police and the County Attorney's Office immediately. There are procedures we can take to protect you.