

## **WITNESSES**

1. **Any person who has firsthand knowledge or information about a crime can be called as a witness. A witness can be subpoenaed by either the defense or the prosecutor.**
  - a. **Anybody who says they saw you do it.**
  - b. **The police officer who arrested you.**
  - c. **Anybody who knows you did not do it.**
2. **Witnesses are required by the judge to come to court and tell what they know about the crime.**

## **THE JURY**

**When you go to trial and decide to have a jury there will be 6 or 12 people, who are chosen by the 2 opposing attorneys. They will decide if you are guilty or not of your charges. These people are chosen from the community and are not on either you side or the prosecutor's side.**

## **JUDGE**

1. **He is the person in charge of the trial.**
2. **He tells each person when it is their turn to talk.**
3. **He makes sure that the trial follows fair rules.**
4. **If the jury decides that you did the crime, he decides what punishment to give you.**

## **Jury Trial: Only happens if you plead NOT GUILTY**

**If you have a jury trial, your lawyer and the state attorney will pick the jury. The jury is composed of six or twelve people who live in the community where the crime was committed.**

**After the jury is picked, the trial will begin. Each lawyer will tell the jury what they are going to prove. The State goes first. He will tell the jury that he can prove you committed the crime with which you were charged. Your lawyer will then address the jury and tell them there is not enough evidence that you committed this crime, or he may say that you did not do it and he can prove that.**

**Each lawyer will present evidence and witnesses. The State attorney will begin. After he presents all the evidence and questions the witnesses, your attorney will have a chance to question the witnesses, too. He will try to make it look as if they do now know what they are talking about, so that the jury will not believe them. He will try to show the jury that you did not do it. He will present witnesses on your side and has them tell the jury what they know. After that, the State attorney will**

**question your witnesses and try to convince the jury your witnesses are mistaken or not telling the truth.**

**After that, there will be final arguments to the jury. Both the State attorney and you lawyer will try to get the jury on their side.**

**Then, the jury will make the final decision. The judge will tell them the rules. The jury will then discuss privately the evidence and decide among themselves if you are guilty or not.**

**If the jury decides you are guilty, the judge will decide what your punishment or sentence will be. If the jury decides you are not guilty the judge will set you free.**

### **Not Guilty**

**To plead Not Guilty means you say you did not do the crime for which you are charged. This means you are going to TRIAL.**

### **Guilty**

**To plead Guilty is to admit to the court that you did the crime for which you were arrested. This means you want to accept a PLEA BARGAIN.**

### **No Contest**

**To plead No Contest means you are not saying you committed the crime and you are not saying you did not commit the crime. You agree that the State can produce sufficient evidence to prove the crime charged. If you plead No Contest, you give up your right to a trial by jury. The decision as to what happens and the possible penalties becomes the decision of the judge. It is important to note that a plea of No Contest is treated as if you plead guilty.**

### **Plea Bargain**

**A plea bargain is a deal worked out between the State attorney and your attorney. Some examples of plea bargains include:**

- You agree to plead guilty to a lesser charge**
- If you have multiple charges, you agree to plead guilty to some of the charges with others being dropped.**
- You plead guilty as charged with a recommendation to have the lightest possible sentence.**

**It is important to remember you do not have to accept the plea bargain that has been worked out. However, if you go to trial and are found guilty on your original charges, it is possible that specific rights. These are: the right to a trial, the right to testify in your own defense and the right to argue against evidence.**