

LEGAL STEPS IN THE CRIMINAL JUSTICE SYSTEM

- 1) Report: The crime is reported. This step occurs when the police are called to the scene of a crime or an individual contacts the police to make a report.
- 2) Investigation: After the police are notified of a crime, it is investigated. The victim and all relevant witnesses are questioned.
- 3) Complaint: A formal complaint is filed. This can be done either by the police or victim. An affidavit is then filed in District Court and either a warrant is issued for arrest or a summons to court is issued.
- 4) Arraignment: Once the affidavit is filed, and the defendant is arrested, he/she then appears before District Court (Courtroom 1A) for arraignment within 48 hours. This appearance is for the purpose of setting a bond, confirming legal counsel, and setting a date for the Preliminary Hearing.
- 5) Preliminary Hearing: This is when the Judge must find that there is probable cause to believe a crime has been committed by the defendant. At this point, if there is sufficient evidence, the case is bound over to the Grand Jury.
- 6) Grand Jury: Once the case is bound over to the Grand Jury, the prosecutor assigned the case will continue to prepare and investigate it. We may even request you come in for a meeting. Then the prosecutor schedules the Grand Jury Presentment. The Grand Jury meets every Friday, and is comprised of twelve registered voters of Kenton County. Each Grand Jury sits for a period of three months. During the hearing, only the Grand Jurors, prosecutor, and one witness (typically the police officer or detective on the case) at a time are present in the room. There is no cross-examination. After the testimony is heard, the Grand Jury votes to determine if there is sufficient evidence to issue an indictment. If the defendant is indicted, the case proceeds through the system. If the case is ignored by the Grand Jury (called a No True Bill), there are no charges and the case is over. However, a case may be represented to the Grand Jury in light of new evidence.
- 7) Arraignment: After the indictment is issued there is an arraignment in the Circuit Court. At this hearing, the defendant is formally told of the charges against him/her. The defendant then enters a plea (in most cases the plea is "not guilty", even if there is a confession) and the bond may be re-examined. Depending on the Judge, either a Status Hearing, Pre-trial Conference, or Trial date will be set. You

are more than welcome to attend this hearing, and most hearings from here on out.

- 8) Status/PTC: The Status or PTC is when an assistant prosecutor, the defense attorney, and the Judge discuss the case and how it may be resolved. The defendant is usually present at this hearing. There can be many of these hearings prior to a trial.
- 10) Change of Plea: The defendant may plead guilty as charged or to a lesser offense. A plea negotiation is first discussed with the victim or the victim's family prior to the prosecutor making any final agreements with the defense attorney. If an agreement is worked out, the case is scheduled for a Change of Plea, where the defendant changes his/her plea from 'not guilty' to 'guilty.' If there is no plea the case will go to trial.
- 11) Trial: In a trial, the prosecutor presents the case for the Commonwealth of KY. The defendant may present his/her case through an attorney. It is the defendant's choice whether the Judge or a twelve person jury decides the case. The victim, as well as the witnesses who testify, will be subject to cross-examination by the defendant's attorney. The trial date may be continued as long as the continuances are approved by the Judge.
- 12) Sentencing: After a verdict or plea of guilty, the Judge will set a sentencing date, usually one month from the plea or trial. This is to allow time prior to sentencing for the Probation and Parole Department to conduct a "pre-sentence investigation," or PSI, as well as for you to complete a "victim impact statement". The PSI reports the defendant's history, his/her potential for rehabilitation, and makes recommendations to the Judge. The victim impact statement is your voice to the Judge, to inform the Judge of the impact the crime has had on you and your family, and how this has affected you physically, emotionally, financially, etc. This report may influence the Judge's sentencing decision. In some cases, the Judge will allow the victim to make a verbal statement. The victim may or may not be present at the sentencing. The sentence must be within the limits set by the legislature for the particular crime.
- 12) Appeal: Only a defendant convicted at a trial has the right to an appeal. If the defendant pleads guilty, they give up the right to an appeal. An appeal involves an alleged error by the trial court during the criminal trial. The Court of Appeals does not hear testimony; its decision is based solely on the record of the trial court. The Attorney General's office in Frankfort handles all the appeals in the Commonwealth.