

Court Hearings Defined:

- The Prosecutor's office makes a final determination of criminal charges to be filed based on available evidence.
- Sometimes cases cannot be filed due to lack of sufficient evidence and witnesses.
- Even though a crime has been committed, the defendant is considered innocent until proven guilty "beyond a reasonable doubt."

Arraignment (AR): Defendant enters plea of guilty or not guilty. Case is not yet assigned to a District Attorney.

Felony Settlement Conference (FSC): An FSC takes place before the preliminary hearing. It is an informal discussion between the prosecution and the defense attorneys in front of the judge in which they exchange information and try to negotiate a resolution to the case. **This hearing may occur several times.**

Preliminary Hearing (PH): The preliminary hearing is not a trial. It is a hearing in court at which witnesses testify and the judge decides if there is enough evidence to require the defendant to stand trial. The jury is not present; the judge alone makes the decision

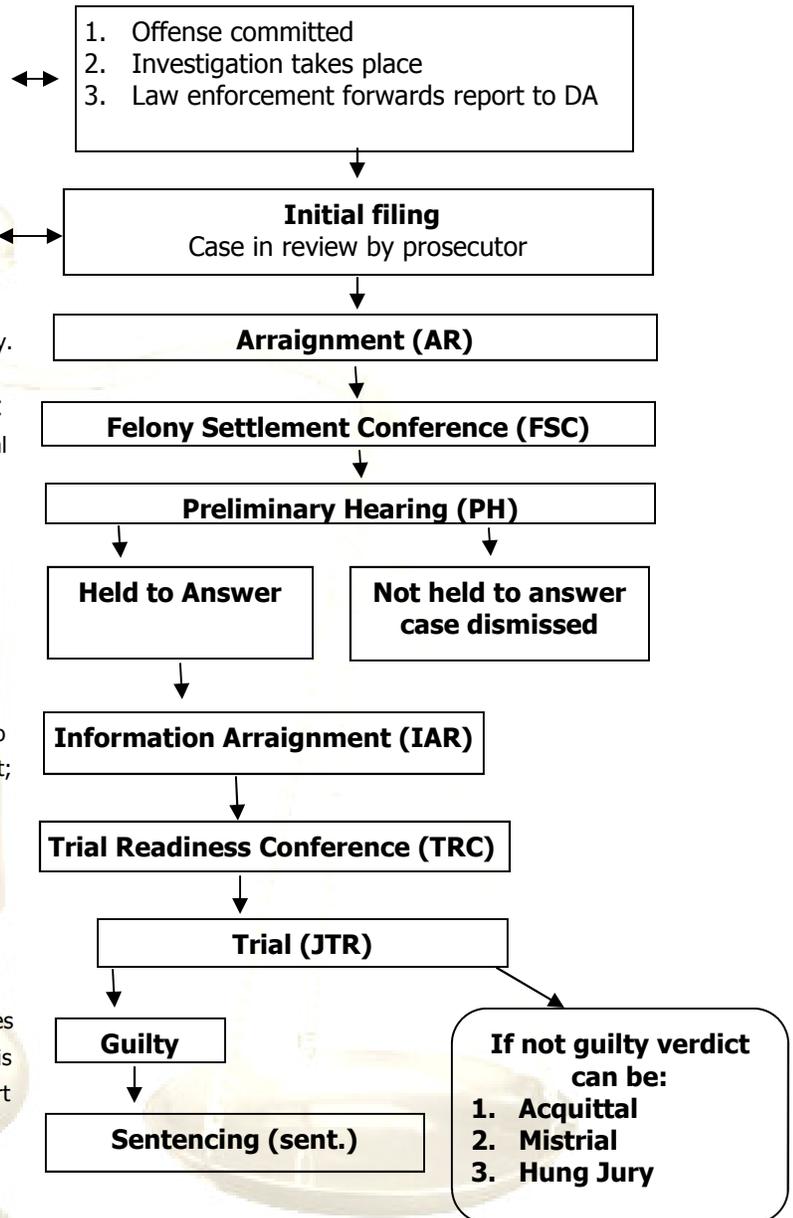
Information Arraignment (IAR): After the defendant is "held to answer," at the Preliminary Hearing he/she will be arraigned again in superior court.

Trial Readiness Conference (TRC): A TRC takes place after the preliminary hearing and before the trial. This is a meeting of attorneys before a judge to inform the court as to how the case is proceeding, what documents have been shared, any settlement negotiations, probable length of trial, and other matters relevant to moving the case toward trial. **This hearing may occur several times.**

Trial (JTR): Witnesses must testify at the trial, even if they were thoroughly questioned at the preliminary hearing. Trials typically last only a few days and you will only be required to attend on the day(s) you are needed to testify. If defendant is found guilty, the case is sent to the probation department for a presentencing report.

Sentencing (sent.): The jury will find the defendant either guilty or not guilty of the crime. If the accused is found guilty, a date will be set for sentencing, usually 28 days after the verdict.

The life of a Criminal Felony Case:



A felony case is a criminal action in which the defendant is charged with violation of a felony. Misdemeanor or infraction violations may be included. The maximum punishment for a felony may be imprisonment in state prison or county jail, a fine, or both. In some cases, the death penalty may be imposed.

Frequently Asked Questions

Q: Who decides what charges to file, and how do they make that decision?

A: A deputy district attorney reviews cases brought to the District Attorney's Office by local law enforcement agencies. The attorney reviews the reports in light of current law to decide the appropriate filing decisions.

Q: If I get a subpoena do I have to go to court?

A: Yes, you must go to court. If you fail to do so, the judge may impose a fine or a jail sentence. Be sure to bring your subpoena with you to court.

Q: Why am I a witness? I didn't see the crime happen.

A: Witnesses are not limited to "eye witnesses." You may not have seen the crime happen but you may know something about it. You may also know something about a piece of evidence, or you may know something that contradicts another witness's testimony. If you wonder "why" you are testifying in a particular case, ask the prosecutor who is handling it. There is probably a common-sense reason.

Q: As a witness, do I have to talk in front of the defendant in court?

A: Yes. The defendant must be present in court to hear what all the witnesses say about him/her. The lawyer for the defendant is called the defense attorney and will ask you questions after the prosecutor does.

Q: I am the victim in a criminal case and I want to drop charges. Can I do that?

A: Many people incorrectly believe that a victim has the power to "press charges" against the abuser, or to later "drop the charges." All crimes are offenses against the community, not just the individual victim. All criminal complaints are prosecuted on behalf of the State of California, not the individual who called the police nor the person who may have been personally harmed by the defendant's conduct.

ONLY the prosecutor can issue or dismiss charges. This is important because it takes the responsibility for prosecuting the abuser off the victim's shoulders and puts it on the prosecutor's, where it legally belongs. It also means that the defendant cannot "pressure" the victim into dropping the charges.

Although the decision whether to prosecute or not prosecute is ultimately up to the prosecutor, the victim's opinion is important, and the prosecutor will take those wishes into account when making his or her decisions regarding the case. A variety of factors are taken into consideration when deciding whether to honor a complainant's request not to proceed with a prosecution. These include the nature and extent of the defendant's prior criminal history, the severity of the alleged crime, whether the defendant has other pending charges in the criminal justice system, and future danger to the community (including to the current victim).

Q: Is the district attorney my attorney or do I need to get my own attorney?

A: The district attorney represents the People of the State of California in criminal court. The district attorney does not have authority to prosecute civil cases on behalf of individual citizens.

Public records search:

Click link <http://public-access.riverside.courts.ca.gov/OpenAccess/>

Click "Riverside Public Access - Criminal."

Click on "Search by Ticket/Case Number & Date of Birth."

Enter the case number: _____ and date of birth: _____

then click "Search."

Click on the case number and scroll down to see the charges and court proceedings.