

Arrest status of the accused during arraignment:

- Since the investigation is still ongoing when the accused appears in front of the court for the first time he/ she is not always under arrest as the police needs **probable cause** (Journey Towards Justice):
 - Enough facts and circumstances for a person to believe the accused committed the crime.
 - Since a Grand Jury uses the same standard of probable cause a police officer can wait to make an arrest until that time.
- Only when the accused is arrested is he/she referred to as the defendant.

Media during an ongoing investigation:

- The media may ask questions about a case. It is best not to speak to the media about the facts of the case.
 - The media can misconstrue your words.
 - The statements could be used against you at a later time.
- It is ultimately your decisions whether or not you talk to the media, if you do be mindful of what you are saying about the case.
- If a family of a deceased victim does talk to the media it is good to focus on the memory of the victim.

Rumors during the early stages:

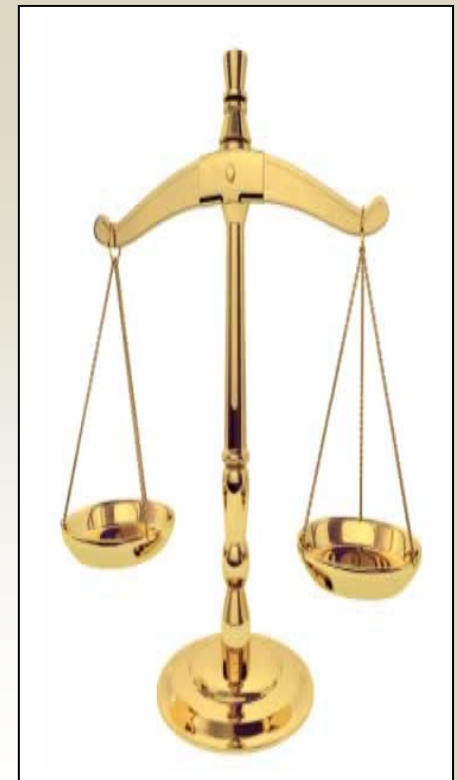
- Sometimes during a case people will say unpleasant stories that have no basis of truth.
 - It is best to ignore these people.
 - Form a support system of reliable people who know the truth and focus on what these people believe.
 - Also speaking to a counselor about any troubles you are having about rumors could be beneficial.

Resources

Sexual Assault & Trauma
Resource Center of
RI. *Journey Toward
Justice*. Providence:
RI Bar Foundation,
print.

Feel free to contact the
victim advocate with any
questions you have about
the process or case.

Explanation of Events Before a Trial



Grand Jury

- The task for the jury is to determine if there is enough evidence for the prosecution to proceed.
 - If the jury finds there is enough probable cause then an indictment, also known as a true bill, is issued.
 - If not enough cause is found then there is no indictment
 - An indictment is **not** the same thing as a guilty verdict.
- The victim will have to testify in front of the Grand Jury along with other witnesses.
 - The defendant and the defendant's lawyer are **not** present.
 - The proceedings are secret.
 - Because the proceedings are secret the victim will not know the outcome right away.
 - They will be informed at some point though as it is their right to know the outcome.
- This process occurs during a capital felony: murder, first degree robbery, first degree child molestation, and first degree assault.

Screening

- Occurs during all non-capital felonies.
- The victim is not involved in these matters.
- A lawyer reads over all the facts to calculate whether or not there is enough evidence to move forward with the case.
 - The victim has a right to know the outcome.

Bail

Purpose of bail:

To ensure that the defendant returns to court when needed and does whatever else the court asks on the condition that the defendant “keeps the peace, be of good behavior, and not leave the jurisdiction without permission” (Journey Towards Justice). Other conditions, like a no contact order, could be added as the judge sees fit.

Factors that affect bail condition:

- Nature of the crime
- Law requiring judge to set bail
- Victims testimony
- Ties to the community

Types of bail:

1. Surety: Ten percent of the money must be put up front in order to walk.
2. Personal recognizance: A bail amount is set, but the defendant can walk out of the courtroom without paying anything so long as the defendant shows for their court dates and does not violate bail.
3. Held without: None. In order for a defendant to be held a bail hearing must occur.
 - a. The victim will have to testify.
 - b. The questioning will not be as extensive as a trial since the investigation is still wrapping up.
 - c. The victim's advocate will be present to provide support.
 - d. The lawyer will prepare you.

Pre-Trial Conference

- These proceedings occur in the judge's chambers with just the two

lawyers. The defendant is not present so if you do give victim impact the defendant will not hear it.

- Factors considered are:
 - The nature of the crime.
 - What the victim wants to happen via their impact statement.
 - The sentencing bench marks.
 - What conditions the defendant will agree to.
- There can be numerous PTC's and they happen over a long span of time, which may seem frustrating.
 - If a lawyer does ask you about a potential offer remember it is just a possibility. The judge and the defendant's lawyer all have to agree it also.
 - This process can be long because the lawyers want to reach the best possible settlement for each side.
- If the defendant accepts he/she enters a plea of nolo contendere or not guilty before the court thereby taking responsibility for the crime in exchange for a reduced and/or an agreed upon sentence. **Remember:**
 - A plea bargain ensures that a defendant is punished. Whereas at a trial the defendant could walk away with nothing.
 - Also, the victim avoids having to give testimony at a trial.

