

# How Does Prosecution Work?

## Understanding the Criminal Justice Process

A successful prosecution of a criminal defendant is the culmination of many agencies' efforts. Below is a description of the many steps and/or processes a criminal case may go through before the criminal defendant is found guilty or pleads guilty in a criminal matter. The process includes: investigation, case review, arraignment, mandatory appearances, plea negotiations, trial and sentencing.

### Investigation

The crime must be investigated by a police agency like the Wallowa County Sheriff's Office, the Enterprise Police Department, or the Oregon State Police. Depending on the complexity of the case, this stage can take just a few hours or many months, or even years. If a suspect can be identified and sufficient evidence gathered to show that a suspect "probably" committed a particular crime, the investigation is forwarded to the DA's Office for prosecution.

### Case Review

The District Attorney will review the police investigation after it is submitted to our office. If the attorney determines that more investigation is required, the matter will be returned to the agency for follow-up investigation. If the attorney determines there is insufficient evidence to prove "beyond a reasonable doubt" that the suspect committed the alleged crime, then prosecution is declined. If the attorney believes that the investigation is complete and that the case can be proven beyond a reasonable doubt, then the case is either charged (if it is a misdemeanor crime) or referred to the Wallowa County Grand Jury (if it is a felony) for their decision on charging the suspect.

### Arraignment

If charges are filed, the defendant will be arraigned in open court by one of the Wallowa County judges. The defendant will be informed of the charges against him or her, and will be appointed a lawyer at public expense if they cannot afford to hire an attorney. The judge will have discretion to let the defendant out of custody with no bail, or release them with conditions, or set bail and hold the defendant in custody.

If you are a victim or you have information that might be valuable for the judge to have before they make a release decision, you may wish to contact the District Attorney's Office.

## **Mandatory Appearances**

Depending on the nature and severity of the crime charged, there may be a series of appearances before the assigned judge. At these appearances, the Court might inquire about the status of plea negotiations, whether both sides have exchanged their investigations, and other legal matters. These can continue for many months – even years in serious cases.

## **Plea Negotiations**

State law requires that District Attorneys attempt to resolve cases through negotiation, if possible. Negotiations are based upon newly discovered information, criminal histories, input from a variety of sources, and attorney discretion. For victims of crime, the advantages of plea negotiation are that the case will be resolved without a trial, and that there is a certain and predictable result. For the judicial system as a whole, plea negotiations require less citizen inconvenience (no juries are necessary) and cost much less than the full-blown, trial procedures.

## **Trial**

If a case is not resolved through negotiation, it will usually proceed to trial. A trial means that all relevant witnesses will be called to testify before a jury, and the jury will decide whether the State has proven the defendant guilty.

## **Sentencing**

If a defendant pleads guilty or is found guilty after a trial, both the State and the defense make sentencing arguments to a judge. Sometimes judges follow the recommendations of the District Attorney's office, sometimes they do not.