San Andreas Justice Department

Onboarding Guide 2025

San Andreas Justice Department
MidwestRP

Definitions

Affidavit - A written or printed statement made under oath.

Bench trial - A trial without a jury, in which the judge serves as the fact-finder.

Brief - A written statement submitted in a trial or appellate proceeding that explains one side's legal and factual arguments.

Burden of proof - The duty to prove disputed facts. In civil cases, a plaintiff generally has the burden of proving his or her case. In criminal cases, the government has the burden of proving the defendant's guilt. (See standard of proof.)

Case law - The law as established in previous court decisions. A synonym for legal precedent. Akin to common law, which springs from tradition and judicial decisions.

Complaint - A written statement that begins a civil lawsuit, in which the plaintiff details the claims against the defendant.

Conviction - A judgment of guilt against a criminal defendant.

Counsel - Legal advice; a term also used to refer to the lawyers in a case.

Defendant - In a civil case, the person or organization against whom the plaintiff brings suit; in a criminal case, the person accused of the crime.

Due process - In criminal law, the constitutional guarantee that a defendant will receive a fair and impartial trial. In civil law, the legal rights of someone who confronts an adverse action threatening liberty or property.

Exclusionary rule - Doctrine that says evidence obtained in violation of a criminal defendant's constitutional or statutory rights is not admissible at trial.

Jury - The group of persons selected to hear the evidence in a trial and render a verdict on matters of fact. See also grand jury.

Mistrial - An invalid trial, caused by fundamental error. When a mistrial is declared, the trial must start again with the selection of a new jury.

Motion - A request by a litigant to a judge for a decision on an issue relating to the case.

Plaintiff - A person or business that files a formal complaint with the court.

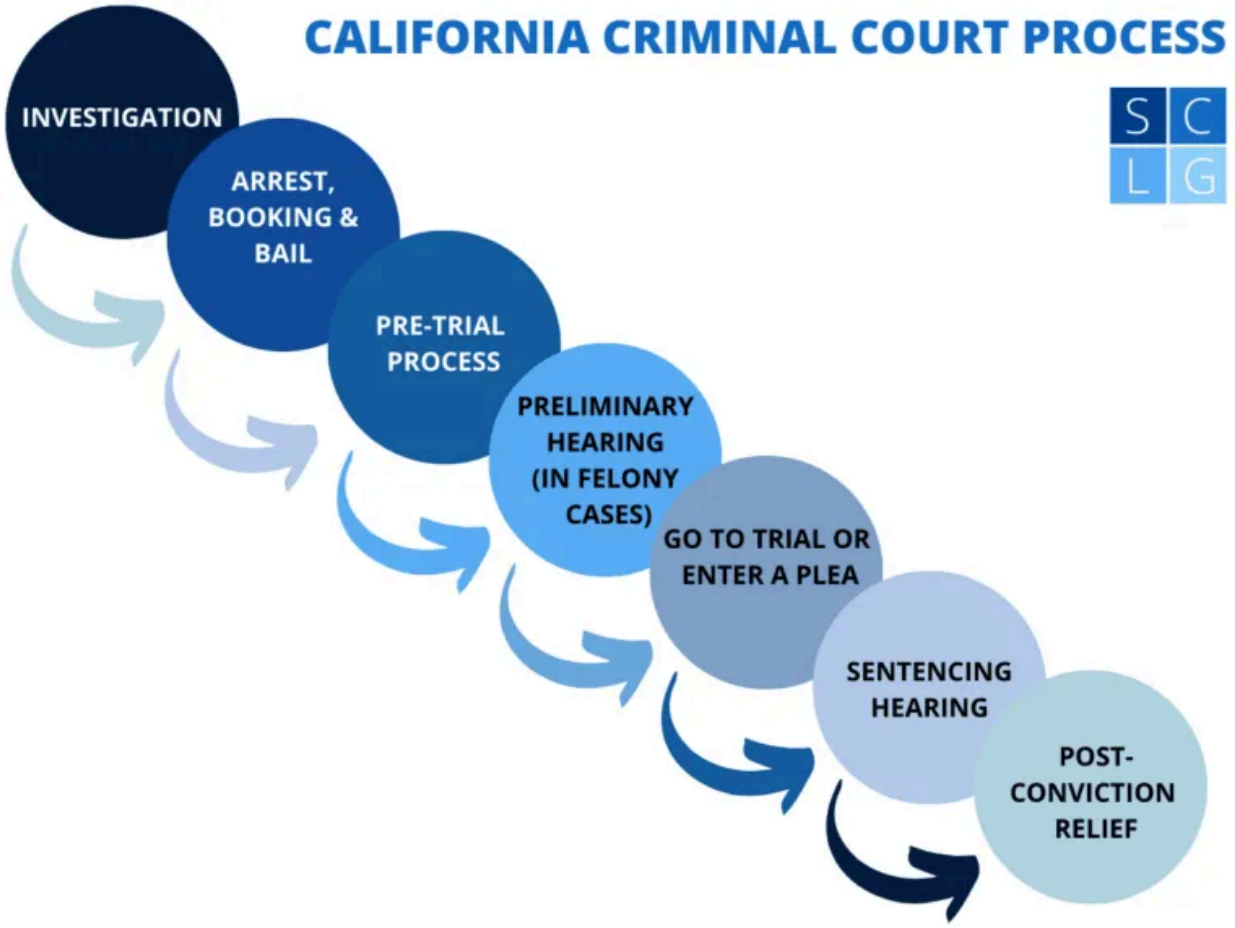
Plea - In a criminal case, the defendant's statement pleading "guilty" or "not guilty" in answer to the charges. See also nolo contendere.

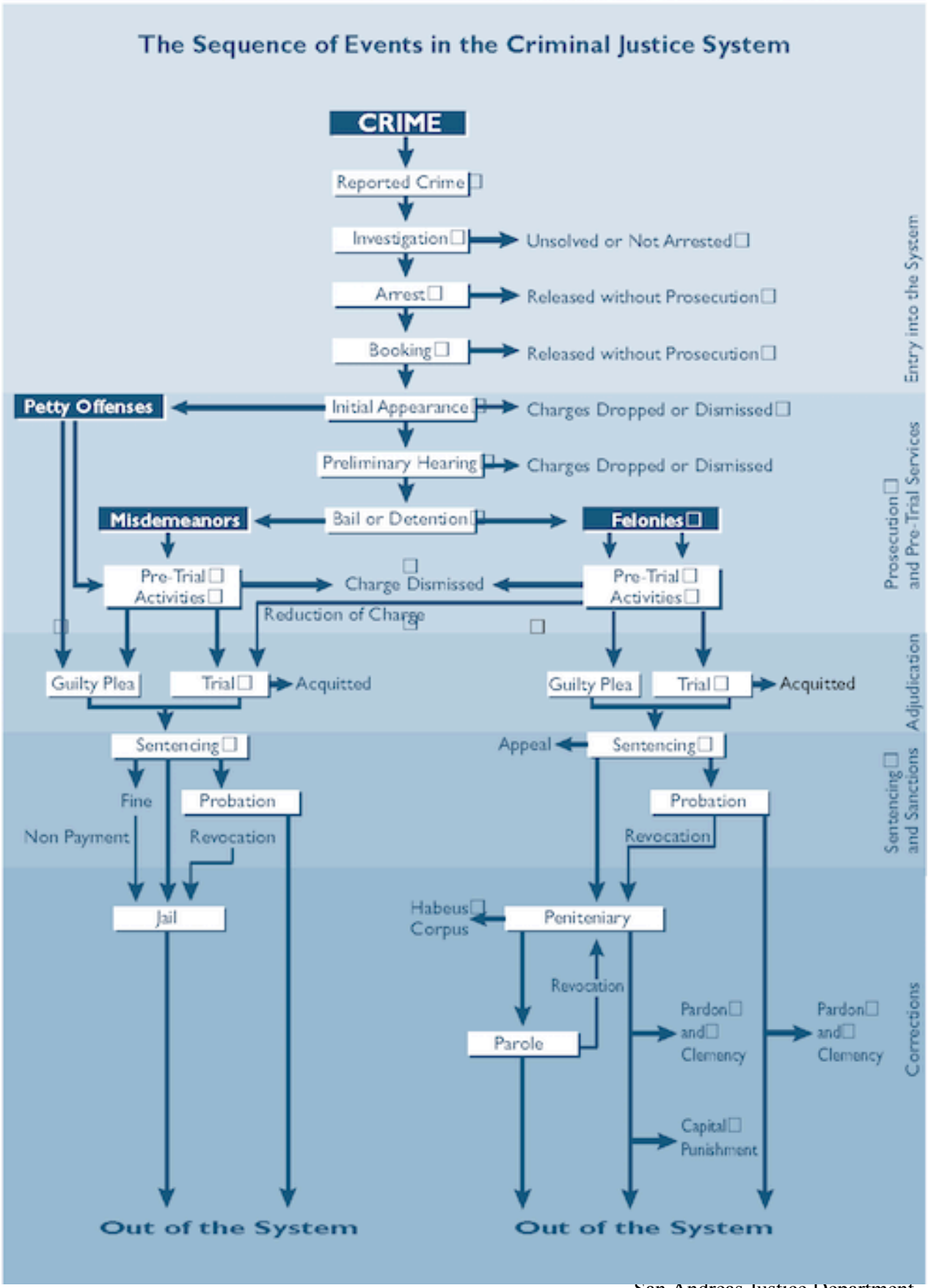
Sentence - The punishment ordered by a court for a defendant convicted of a crime.

Subpoena -A command, issued under a court's authority, to a witness to appear and give testimony

Verdict - The decision of a trial jury or a judge that determines the guilt or innocence of a criminal defendant, or that determines the final outcome of a civil case.

Warrant - Court authorization, most often for law enforcement officers, to conduct a search or make an arrest.




The Sequence of Events in the Criminal Justice System
CRIME
Reported Crime
Investigation
Unsolved or Not Arrested
Arrest
Released without Prosecution
Booking
Released without Prosecution
Entry into the System
Petty Offenses
Initial Appearance
Charges Dropped or Dismissed
Preliminary Hearing
Charges Dropped or Dismissed
Misdemeanors
Bail or Detention
Felonies
Pre-Trial Activities
Charge Dismissed
Pre-Trial Activities
Reduction of Charge
Prosecution and Pre-Trial Services
Guilty Plea
Trial
Acquitted
Guilty Plea
Trial
Acquitted
Adjudication
Sentencing
Appeal
Sentencing
Fine
Probation
Non Payment
Revocation
Probation
Revocation
Sentencing and Sanctions
Jail
Habeus Corpus
Penitentiary
Revocation
Parole
Pardon and Clemency
Pardon and Clemency
Capital Punishment
Corrections
Out of the System
Out of the System

Arraignment

An arraignment is your first formal court appearance following an arrest. It is essentially a hearing held in front of a judge.

The arraignment is where the court reads the charges that the Prosecutor has filed against the defendant. The defendant then has the opportunity to enter a plea.

The three most common pleas include:

- not guilty
- guilty
- nolo contendere, more commonly referred to as “no contest”.

If you enter a guilty or “no contest” plea, the defendant will proceed directly to a sentencing hearing. If a “not guilty” plea is entered, the judge addresses the issue of bail (if you are confined in jail).

Note that the defendant has the right to an attorney at an arraignment.

Pre-Trial

Discovery

“Discovery” is the term used to describe the exchange of information between the defense and the prosecution.

The purpose is for each side to learn what evidence the other will present during trial, including what witnesses will testify and the subject of their testimony.

Discovery may reveal:

- physical evidence relevant to the case
- applicable police reports
- expert reports or statements
- witness statements

Motions

Motion practice refers to a prosecutor or defense counsel asking the court to make a certain ruling with respect to some aspect of a criminal case.

An example is a motion to suppress evidence. This is a request, often by the defense, for the judge to exclude certain evidence from a case. You may bring this motion, for example, if the police obtained evidence via an illegal search and seizure.

Trial

Cases that do not resolve during pre-trial proceedings progress into the trial phase of the criminal court process.

Trials may be of two types. These are:

- bench trials
- jury trials

Bench trials (also known as court trials) take place when the judge acts as both the judge and jury. In a jury trial, by contrast, 12 members of the community are selected to hear the evidence against you, and they then decide whether you are guilty or not guilty.

Anyone accused of a misdemeanor has the right to a jury trial. A jury trial typically proceeds as follows:

- jury selection
- opening statements
- attorneys present evidence
- closing arguments
- jury deliberations
- verdict
- sentencing (if a guilty verdict)

To secure a guilty verdict at trial, prosecutors have the burden to show that there is enough evidence to prove your guilt beyond a **reasonable doubt**.

Opening Statements

The purpose of opening statements by each side is to tell jurors something about the case they will be hearing. The opening statements must be confined to facts that will be proved by the evidence, and cannot be argumentative.

The trial begins with the opening statement of the party with the burden of proof. This is the party that brought the case to court--the government in a criminal prosecution or the plaintiff in a civil case--and has to prove its case in order to prevail. The defense lawyer follows with his or her opening statement. In some states, the defense may reserve its opening statement until the end of the plaintiff's or government's case. Either lawyer may choose not to present an opening statement.

In a criminal trial, the burden of proof rests with the government, which must prove beyond a reasonable doubt that the defendant is guilty.

Evidence

The heart of the case is the presentation of evidence. There are two types of evidence -- direct and circumstantial.

Direct evidence usually is that which speaks for itself: eyewitness accounts, a confession, or a weapon.
Circumstantial evidence usually is that which suggests a fact by implication or inference: the appearance of the scene of a crime, testimony that suggests a connection or link with a crime, physical evidence that suggests criminal activity.
Both kinds of evidence are a part of most trials, with circumstantial evidence probably being used more often than direct. Either kind of evidence can be offered in oral testimony of witnesses or physical exhibits, including fingerprints, test results, and documents. Neither kind of evidence is more valuable than the other.

Strict rules govern the kinds of evidence that may be admitted into a trial, and the presentation of evidence is governed by formal rules.

Direct Examination

Lawyers for the plaintiff or the government begin the presentation of evidence by calling witnesses. The questions they ask of the witnesses are direct examination. Direct examination may elicit both direct and circumstantial evidence. Witnesses may testify to matters of fact, and in some instances provide opinions. They also may be called to identify documents, pictures or other items introduced into evidence.
Lawyers generally may not ask leading questions of their own witnesses. Leading questions are questions that suggest the answers desired, in effect prompting the witness. An example is, "Isn't it true that you saw John waiting across the street before his wife came home?"

Objections may be made by the opposing counsel for many reasons under the rules of evidence, such as leading questions, questions that call for an opinion or conclusion by a witness, or questions that require an answer based on hearsay.

Cross Examination

When the lawyer for the plaintiff or the government has finished questioning a witness, the lawyer for the defendant may then cross-examine the witness. Cross-examination is generally limited to questioning only on matters that were raised during direct examination. Leading questions may be asked during cross-examination, since the purpose of cross-examination is to test the credibility of statements made during direct examination.

On cross-examination, the attorney might try to question the witness's ability to identify or recollect or try to impeach the witness or the evidence. Impeach in this sense means to question or reduce the credibility of the witness or evidence. The attorney might do this by trying to show prejudice or bias in the witness, such as his or her relationship or friendship with one of the parties, or his or her interest in the outcome of the case. Witnesses may be asked if they have been convicted of a felony or a crime involving moral turpitude (dishonesty), since this is relevant to their credibility.

Rebuttal

At the conclusion of the defendant's case, the plaintiff or government can present rebuttal witnesses or evidence to refute evidence presented by the defendant. This may include only evidence not presented in the case initially, or a new witness who contradicts the defendant's witnesses.

Closing Arguments

The lawyers' closing arguments or summations discuss the evidence and properly drawn inferences. The lawyers cannot talk about issues outside the case or about evidence that was not presented.

The judge usually indicates to the lawyers before closing arguments begin which instructions he or she intends to give the jury. In their closing arguments the lawyers can comment on the jury instructions and relate them to the evidence.

The lawyer for the plaintiff or government usually goes first. The lawyer sums up and comments on the evidence in the most favorable light for his or her side, showing how it proved what he or she had to prove to prevail in the case.

After that side has made its case, the defense then presents its closing arguments. The defense lawyer usually answers statements made in the plaintiff's or government's argument, points out defects in their case and sums up the facts favorable to his/her client.

Because the plaintiff or government has the burden of proof, the lawyer for that side is then entitled to make a concluding argument, sometimes called a rebuttal . This is a chance to respond to the defendant's points and make one final appeal to the jury.

Jury Instruction

The judge instructs the jury about the relevant laws that should guide its deliberations. (In some jurisdictions, the court may instruct the jury at any time after the close of evidence. This sometimes occurs before closing arguments.) The judge reads the instructions to the jury. This is commonly referred to as the judge's charge to the jury.

In giving the instructions, the judge will state the issues in the case and define any terms or words that may not be familiar to the jurors. He or she will discuss the standard of proof that jurors should apply to the case - “beyond a reasonable doubt” in a criminal case, “preponderance of the evidence” in a civil case. The judge may read sections of applicable laws.

Helpful Links:

https://www.americanbar.org/groups/public_education/resources/law_related_education_network/how_courts_work/

https://www.shouselaw.com/ca/defense/process/

MidwestRP Courtroom Guides/Scripts