



Victim-Witness Assistance Program

THE CRIMINAL JUSTICE SYSTEM:

WHAT YOU SHOULD KNOW ABOUT

MISDEMEANOR

CASES AND PROCEDURES FOR STATE COURT

ARREST WARRANTS: A warrant is the document only issued by a judge that gives the police the authority to arrest the accused. Victims may be required to obtain a copy of the police report to begin warrant procedures before a judge.

Within forty-eight hours after the accused is arrested, the individual is arraigned — meaning his/her bond is set and a preliminary hearing date is scheduled.

For certain misdemeanor crimes, the accused may be released on his/her recognizance. If the accused is booked in jail and is able to pay bond (bail), he/she will be released. Victims can call the jail at 912-652-7734, give their name and phone numbers, and request to be notified when the accused is released.

PRELIMINARY HEARINGS: Usually within four to six weeks after an arrest, the preliminary hearing is held. Victims and witnesses are subpoenaed to appear at the preliminary hearing and may bring photos or any evidence. The judge listens to the testimony to decide if there is probable cause for the case to be “bound over” to a higher court.

If the Judge finds there is probable cause, misdemeanor crimes are bound over to State Court and felonies (more serious crimes) are bound over to Superior Court.

There is an assistant district attorney (ADA) present at misdemeanor preliminary hearings. Any crime that is bound over to State Court will have an ADA assigned to prosecute it.

FORMAL ARRAIGNMENT: Usually within two months after a preliminary hearing, the case is assigned to an ADA and an arraignment is scheduled. The victim does not have to appear; only the defendant/accused and the defense attorney may appear before the judge. The charges are formally read to the defendant and the individual pleads guilty or not guilty.

If the defendant pleads guilty, the judge may sentence him/her

at that time. Most misdemeanors are punishable by up to twelve months in jail and up to a \$1,000 fine.

If the defendant pleads not guilty, a trial will be scheduled for a later date either before the judge for a “bench trial” or before a jury.

If the defendant does not have an attorney and cannot afford one, an attorney from the Public Defender’s office may be assigned to represent him/her.

Victims will receive letters prior to an arraignment date to allow them time to consult with the ADA prior to the court date. While victims do have the option to attend an arraignment, their presence is not required.

PLEA: A defendant may plead guilty at any time during the arraignment, docket call, prior to a trial or plea hearing. Victims and witnesses are not subpoenaed to plea hearings, but may attend if they wish. The judge may impose a sentence at a plea hearing or at a later time.

BENCH TRIAL: The defendant has the right to plead not guilty and may request a bench trial before the judge. Victims and witnesses are subpoenaed. The judge (not a jury) hears all the testimony and decides whether the defendant is guilty or not guilty. If the judge finds the person guilty, he can impose a sentence at that time or at a later date.

JURY TRIAL: A six-member jury listens to testimony to determine if the defendant is guilty or not guilty. All six must agree beyond a reasonable doubt that the defendant is guilty for there to be a conviction. Victims and witnesses are subpoenaed to jury trials and may be asked to wait outside the courtroom until called to testify. The judge may impose a sentence immediately after a conviction or at a later date.

If the defendant does not show up for a court date a warrant may be issued for the defendant’s arrest. If you have any information about this person’s whereabouts, call the police. A court date will be scheduled after he/she is arrested.

COURT DATES: Victims will receive letters on the status of their case and can also call Victim-Witness at 912-652-7329.

FINANCIAL COMPENSATION: Victims of personal crimes, such as simple battery or DUI crash with injuries, may be eligible for victim compensation to help with medical expenses, counseling, lost wages or funeral expenses. A claim must be filed within one year after the date of the crime. Victims of property crimes, such as criminal damage and/or theft, are not eligible for victim compensation. Call Victim-Witness for more information on compensation options and an application.

YOUR CONTACT INFORMATION: Please notify the Victim-Witness Assistance Program of any change in your phone numbers and address to ensure that you can be contacted on the status of your case.

Victim-Witness Assistance Program

Office of the District Attorney, Larry Chisolm

Chatham County Courthouse

Savannah, GA 31401

Phone: 912-652-7329 or 1-800-477-5959

Website: <http://vwap.chathamcounty.org>