Criminal Justice Sysytem in Utah - Felonies

Investiga-tion

- Victim reports crime to police; police investigate
- Police take to prosecutor to review for charges (may authorize summons or warrant) or arrest on probable cause and submit reports to prosecutor after arrest

Arrest

- Suspect is taken to jail and booked; may be released on bond or bail or own recognizance or to pre-trial services except if domestic violence offense. If DV offense, arrestee must agree to jail release agreement or court order first.

Initial appear-ance

- Suspect appears before judge, is advised of the charges, may order conditions of release, may appoint legal counsel. Victim has right to appear and make statement re: release or bail conditions and if DV, or kidnapping or human trafficking or human smuggling or certain sexual offense or aggravated exploitation of prostitution case, ask for pre-trial protective order. This proceeding may be continued for defendant to make decision as to preliminary hearing

Prelim

- Probable cause hearing where prosecutor must show enough evidence to the court that the crime probably happened and the defendant probably did it. Usually only a few witnesses appear; defendant may waive right to hearing. If court finds PC, defendant scheduled for arraignment

Arraign-ment

- Time for defendant to plead guilty or not guilty; if PG, then set for sentencing; if PNG, then set for trial

Pre-trial Motions

- Time for defense and prosecution to file motions regarding the evidence admissibility, witnesses, experts, alibi. Plea negotiations may also take place at this point

Trial

- Jury trial unless prosecutor agrees with defendant to waive jury. State must prove case beyond a reasonable doubt. Stages of trial: jury selection; opening statements; prosecutor's case; defense opportunity to present evidence but not obligated; prosecutor rebuttal to defense; closing arguments; jury instructions; jury deliberations; verdict

Sentenc-ing

- Prison; or some Jail and/or probation. Statutory sentencing range is determined by class or nature of felony conviction. If DV offense and probation given, victim may request sentencing protective order

Appeal

- Filed by defense; appellate courts can uphold conviction, reverse conviction or send back to trial court for more evidence before deciding (such as ineffective assistance of counsel, certain legal issues)

Board of Pardons

- If defendant sent to prison, Board of Pardons initially reviews case and sets date for initial hearing. Victim can appear or send letter to Board. At that initial hearing the Board may set a new date to consider parole or may set parole date.