

A SCRIPT FOR PRO SE (NON-REPRESENTED) DEFENDANTS

NOTE: IF YOU PLAN ON ADMITTING ELECTRONIC EVIDENCE (CD'S, DVD'S, THUMB DRIVES, ETC) YOU MUST CONTACT THE COURT AT LEAST ONE WEEK PRIOR TO YOUR TRIAL DATE. Call 385-6441

Introduction	Court begins when the judge comes in. The Clerk says, "Please rise. Division ... is now in session. The Honorable ... presiding." After the judge sits, the Clerk will ask everyone to sit down.
Exhibits Preliminaries Opening Statements Burden of Proof Reasonable Doubt	<p>Before court, if you have any pictures or drawings or any other evidence you want to show at the trial, you should give them to the court clerk before the judge comes in so she can mark your exhibits. You should then show them to the prosecutor. During the course of the trial, if you want to refer to your exhibits and have the judge consider them in the evidence, you will ask the judge to admit them as evidence. The Prosecutor may argue whether they are admissible, but it will be up to the judge to decide if they can be considered.</p> <p>When it is your turn for trial, the judge will call your name and ask you to sit at the Defense table. The judge will make some preliminary statements and give you a general overview of how the trial will proceed.</p> <p>The judge will ask the Prosecutor, who is a City Attorney if he wishes to make an Opening Statement. The Prosecutor's Opening Statement will explain what the charge is, and how his evidence will support that charge. The judge will then ask if you, the Defendant, wish to make an Opening Statement. Please note that an opening statement is not testimony or evidence that can be considered in the judge's verdict. It just gives you an opportunity to generally state what you think your side of the case will show. Often, both parties waive opening statements.</p> <p>It is the duty of the Prosecutor to prove beyond a reasonable doubt that you are guilty. This is called burden of proof. It means that you are innocent until proven guilty and this assumption will remain unless the Prosecutor shows, by sworn testimony or written documents and drawings, that you are guilty beyond a reasonable doubt.</p>
Prosecution's case : Direct-Examination Cross-Examination Redirect Examination Re-cross	<p>Because the Prosecutor has the burden of proof, he will present his evidence first. This will be in testimony and/or documents and drawings which support the charges against you.</p> <p>The Prosecutor will ask his witness(es) to be sworn, testify, make diagrams, etc. The Prosecutor will ask each witness questions about what happened and what they saw. This is called Direct-Examination. After the Prosecution finishes questioning each witness, the judge will tell you that it is your turn to ask that witness questions about his testimony. This is called Cross-Examination. Everything you say to the witness must be in the form of a question. Remember to stand up and come to the podium when you say to or ask anything of the Court. After you have finished questioning the witness, then the Prosecutor has another chance to ask his witness questions. This is called Redirect. If the Redirect brings up some new matters, you will have the opportunity to question the witness about these new items. This is called Re-cross. The judge may also ask questions of the witnesses; you and the prosecutor will have the opportunity to explore any new material the judge's questions may bring up. When the Prosecutor has no more witnesses to call or evidence to present he will say, "The City rests."</p>
Defendant's Case: Direct Examination Cross Examination Redirect Examination Re-cross Examination Curtiss Advisement Cross-Examination Perjury	<p>After the Prosecution's case is complete, it will be your turn to present your side of what happened. You can do this by calling your own witnesses and asking them questions. Everything you ask of them must be in the form of a question. This is called Defendant's Direct-Examination. The Prosecutor will then Cross-Examine your witness(es).</p> <p>After this questioning, you may ask your witness more questions, if you wish to, in Redirect and the Prosecutor may Re-cross the witness.</p> <p>After your witnesses have testified, the judge will give you a Curtiss Advisement which advises you of your right to remain silent and the possible consequences of your testimony. You will then have an opportunity to testify under oath and tell your side, if you choose to. Remember that the Prosecutor will then Cross-Examine you and anything you say may be used against you. After your cross examination, you can testify to anything more you may have to say about what happened.</p> <p>Testimony should be a true and accurate statement of events in response to the questions asked. Any deviation from the truth, or fabrication of the events, while under oath, may result in a felony charge of perjury.</p>
Closing Arguments Rebuttal	<p>After all the testimony, the judge will ask if the Prosecutor wants to make a Closing Argument where he can summarize all the evidence. The Prosecutor will give his reasons for the judge to find you guilty. After the Prosecutor has made his Closing Argument, then you can make your Closing Argument which sums up your reasons, based on the evidence, for the judge to acquit you. Since the Prosecutor has the burden of proof, he is permitted to make a Rebuttal Argument in order to further support his case.</p>
Finding & Verdict Sentencing	<p>After the closing arguments, the judge will recap the charge, the evidence and testimony of all witnesses. The judge will render a Verdict which means he will decide whether you are guilty or not guilty.</p> <p>If he finds you guilty, he will review the available record and ask you and the Prosecutor if either of you have anything to say about sentencing. The judge may sentence you on the trial date or he may hold over sentencing for another date.</p> <p>If you are found not guilty, the judge will give you information on how to go about expunging your record through District Court. At this point, your trial is over.</p>
Appeal	<p>If you disagree with the legal basis of the judge's decision, you will have thirty (35) days within which to file all appropriate documents and paperwork for an appeal in District Court. Ask the clerk in Room 108 to give you the necessary forms or visit www.springsgov.com for appeal forms and information.</p>