

*Outline of the Criminal Justice System***

**Complaint Made*

Once a victim reports the assault, a crew is dispatched in a marked cruiser. At this time, the responding officer will probably only obtain preliminary information about the crime.

**Detective Investigation*

After the responding officer has taken down the information about information he/she needs from the victim, the case will be assigned to a detective. During the questioning period, the detective will need a thorough account of the assault.

The victim may decide not to pursue the case at this point.

Police might request a victim to take a polygraph test, especially in one on one situations.

Case Presented To Prosecutor

Police present all the evidence to the prosecutor if the victim chooses to pursue prosecution. The prosecutor decides whether or not to accept the case. If accepted, an affidavit is then filed in Municipal Court.

Arraignment (Initial appearance Before Municipal Court Judge

Once an affidavit is filed and the defendant is arrested, the defendant appears before the Municipal Court Judge. The appearance is for the purpose of reviewing the amount set for bail, furnishing the defendant with a copy of the complaint, confirming legal counsel and setting a date for preliminary hearing.

**Preliminary Hearing*

The preliminary hearing is held in the Municipal Court. The defendant, his attorney, the arresting officer, the county prosecutor and the witnesses are present at this hearing. The burden is on the prosecutor to prove that there is probable cause to believe a crime has been committed and that this defendant probably committed it. If there is sufficient evidence, the case is then bound over to the grand jury. Sexual assault victims bypass the preliminary hearing.

**Grand Jury Hearing*

The grand jury consists of nine to 12 jurors. During witness testimony, only the jurors and the county prosecutor are present in the room. The prosecutor may ask some questions for clarification. There is no cross examination. After all the witnesses are heard by the grand jury, a vote is taken to determine if the defendant is to be indicted. If the defendant is indicted, the case proceeds through the system.

If the case is ignored by the grand jury, we have no grounds for appeal. However, a case can be represented to the grand jury, if additional evidence is presented.

Arraignment (In Common Pleas Court: On the Indictment)

A court hearing where the defendant is told about the charges pending against him, and the right to a lawyer and a trial. The defendant enters a plea on the grand jury indictment, his bond is reexamined and pre trial conference is scheduled.

Pre-Trial Motions

Motions are heard at the request of an attorney (prosecutor or defense) regarding issues which do not reflect the merits of the case. For example, motions for discovery, motions for continuance, motions for psychiatric evaluation, motions to suppress, etc.

**Pre-Trial Conference*

This is a conference between the victim/witness and the prosecutor to discuss the status and facts of the case.

**Trial*

In a trial, the prosecutor presents the case for the state, attempting to prove beyond a reasonable doubt that the defendant did commit the crime as charged. The defendant may present his/her side through the use of an attorney. It is the defendant's choice whether a judge or a twelve person jury will decide the verdict.

The trial "time table" is usually as follows: the case must come to trial within 90 days if the defendant is kept in custody and within 120 days if he is out on bond. This may be extended in either case if there are continuances approved by the judge.

Sentencing

After a verdict or a plea of guilty, the judge sets a date for sentencing. During this time period the adult probation officer will evaluate the defendant's potential for rehabilitation and prepare a sentence recommendation. The judge then considers that recommendation and other evidence. The sentence must be within the limits set by the legislature for the particular crime.

* *Indicates points at which the victim/witness relates details of the incident.*

** *Taken from "guidelines for treatment of sexual assault victims" developed by the Montgomery county prosecutor's office and the Miami Valley regional crime lab in conjunction with the greater Dayton area hospital council, the Montgomery County medical society and the Dayton District Academy of Osteopathic Medicine.*