

GENERAL DESCRIPTIONS OF HEARINGS AND PROCEEDINGS

The following are basic definitions of hearings and proceedings which may occur during the course of a criminal prosecution. However, each case is unique and the court may combine issues needing to be addressed at any hearing. Please contact the Goodyear Prosecutor's Office if you have any questions.

INITIAL APPEARANCE – a proceeding held within 24 hours of arrest. The judge decides whether the defendant may be released on bond by their own recognizance or otherwise, and/or sets bond if applicable. The judge may order the defendant not to have contact with the victim, or set other conditions regarding the defendant's release. The judge may also appoint a lawyer to represent the defendant if he cannot afford to hire one.

ARRAIGNMENT – the defendant is informed of the formal charges and is required to enter a "plea" of "guilty" or "not guilty". If the defendant pleads "not guilty" a pretrial conference will be ordered.

PRETRIAL CONFERENCE – a pretrial conference is a discussion between the parties. It is routine for the prosecutor handling the case to discuss the possibility of the negotiated plea agreement with the defense. If an agreement is reached, the parties will appear before a judge. The judge will usually sentence the defendant according to the terms of the agreement. If an agreement is not reached, the defendant may plead guilty to the court. Each side will then recommend a sentence, but ultimately the judge decides the appropriate sentence. Issues relating to the relevancy of facts, the gathering of evidence, and other matters pertinent to the case are also discussed.

COMPETENCY/RULE 11 – a mental competency hearing usually involves determining whether the defendant is mentally competent to stand trial. The court could order that the defendant be civilly committed, released, or stand trial as a competent defendant.

CHANGE OF PLEA – a proceeding at which the court will be presented with a "plea agreement" by

the prosecutor and the defendant's lawyer. The defendant pleads to the charges, or upon such other charges to which the prosecutor and the defendant's attorney have agreed. The actual terms and conditions of a change of plea may be very complex, and may include a stipulated sentence and/or restitution.

DISMISSAL – dismissal of prosecution usually involves a determination by the court or prosecutor as to whether the charges alleged in the citation or complaint should be dropped for good cause. If the prosecution is dismissed without prejudice, the charges can be refiled. If the prosecution is dismissed with prejudice, the charges cannot be refiled.

TRIAL – a hearing at which evidence is presented by both the prosecution and the defense. The victim(s) and witness(es) are subpoenaed (summoned) to testify, and the judge or jury decides whether there is enough evidence to prove the defendant guilty "beyond a reasonable doubt".

SENTENCING – sentencing is scheduled within 45 days after the defendant pleads guilty or is found guilty at trial. The victim has the right to be heard and to submit a statement at this time. The judge hears testimony regarding the need for restitution, the victim's and the defendant's wishes regarding sentencing, before rendering a decision.

CONTINUANCE – delays are common at all stages of the criminal justice process. Continuances are legal postponements of scheduled proceedings and may occur without warning. You may ask the prosecutor in your case to explain any proceedings you do not understand. Also check for schedule changes in advance of any proceeding which you plan to attend.



INFORMATION FOR VICTIMS IN THE GOODYEAR MUNICIPAL COURT



Goodyear City Prosecutor's Office
185 N. 145th Avenue
P.O. Box 5100
Goodyear, AZ 85338

Main Line: (623) 882-7201
Fax Line: (623) 932-0184

Victim Advocate: (623) 882-7677





WHO IS A VICTIM?

A **victim** is a person against whom a criminal offense has been committed, including a minor. If the person is killed or incapacitated, the person's spouse, parent, child, grandparent, sibling, or any other person related to the person or any other lawful representative of the person is the victim, except if the person is in custody for an offense or is the accused.

A.R.S. § 13-4401.19



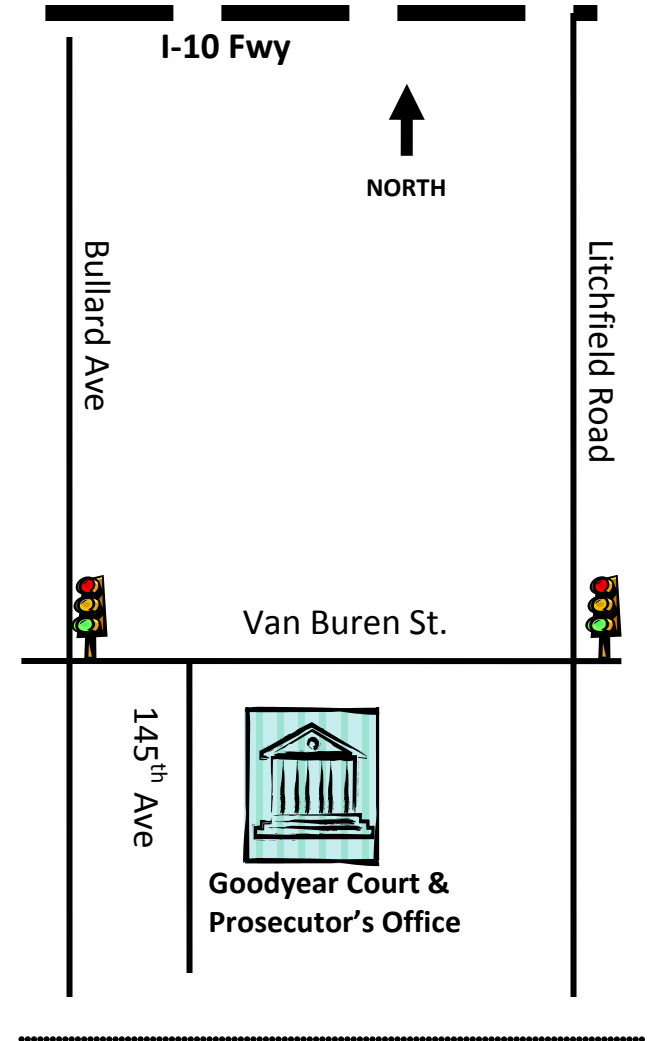
ARIZONA CONSTITUTIONAL & STATUTORY RIGHTS FOR VICTIMS

A victim of crime has a right:

- ◆ To be treated with fairness, respect and dignity, and to be free from intimidation, harassment, or abuse; throughout the criminal justice process.
- ◆ To be informed, upon request, when the accused or convicted person is released from custody or has escaped.
- ◆ To be present at, upon their request, and to be informed of, all criminal proceedings whenever the defendant has the right to be present.
- ◆ To be heard at any proceeding involving a post-arrest release decision, a negotiated plea and sentencing through oral, written or video/audio statement.
- ◆ To refuse an interview, deposition, or other discovery request by the defendant, the

defendant's attorney, or another person acting on behalf of the defendant.

- ◆ To talk with a representative from the prosecutor's office, after the crime against the victim has been charged, before trial, or before any disposition of the case, and to be informed of the plea agreement.
- ◆ To receive prompt restitution from the person or persons convicted of the criminal conduct that caused the victim's loss or injury.
- ◆ To a speedy trial or disposition and prompt and final conclusion of the case after the conviction and sentence.
- ◆ To have any property taken in evidence returned, and/or be given an explanation for any refusal to return such property.
- ◆ To ask the Court to revoke bond or release if there has been threats or harassment by or on behalf of, the defendant.
- ◆ To be told if a prosecutor decides NOT to proceed with a prosecution.
- ◆ To be told the name, address and phone number of the prosecutor's office handling the case.
- ◆ To have the defendant, or any agent of the defendant, make contact with the victim through the Prosecutor's Office only.
- ◆ To name a Representative to exercise the victim's rights if the victim is unable to do so.
- ◆ To contest a negotiated plea if reasonable efforts were NOT made to notify the victim.
- ◆ To be informed of victim assistance and other resources.
- ◆ To be informed of a victims' constitutional rights.



**Goodyear Municipal Court
Goodyear Prosecutor's Office
185 N. 145th Avenue
Goodyear, AZ 85338**