

RIGHT TO A TRIAL

Anytime you have been charged with a warrant or a ticket, you have a right to plead not guilty and the government/state will be required to prove the case beyond a reasonable doubt. You have a right to a trial and you will be presumed innocent under the laws of our country. During trial proceedings, on your behalf, I can call witnesses, and cross-examine or question witnesses presented by the government, or we can just sit back and require the government to prove their case. You do not have to prove anything. You will not have to testify. If you do not testify, that fact cannot be considered in deliberations because the government has the burden of proving you guilty. But you have the right to testify and the right to use subpoenas to compel witnesses to appear and testify on your behalf. My office will provide you a witness form. Please complete this form with as much information as possible and include all potential witnesses for me to consider for your defense.

You may decide, after our discussions, to request a trial by jury. A jury will be selected and a trial will be scheduled. All the above rights will apply but the ultimate decision of guilty or not guilty will be determined unanimously by the jury. In some cases a jury of 6 individuals will make that determination. With more serious charges, it will be a jury of 12.

You also have a right to a bench trial. In a bench trial, no jury will be selected. The evidence will be presented to a Judge and a Judge will make the determination if the government proved the case beyond a reasonable doubt.

A trial is conducted in various stages. It will generally begin with an introduction by the Judge followed by opening statements from both parties/attorneys. The government is required to present evidence first because they carry the burden of proof. After the conclusion of their case, we have a right to present your case, if that is our strategy. At the conclusion of all the evidence, closing arguments are given. Then a verdict will be rendered. The possible verdicts in most cases will be guilty or not guilty.

Your decision to have a jury trial or bench trial will depend on several factors. The strength of the evidence to be presented by the government and any legal issues which may exist on your case are just two of these factors. The Judge, the charge, victims, if any, must all be considered.

If you decide to plead guilty, you give up all of the above listed rights. There will not be a trial. You will also give up your right to contest any statement given by and any evidence held by the government. You will appear before a Judge, admit your guilt, and be sentenced.

You need to have a complete understanding of all your rights and options when you decide whether or not to plead guilty. Any conviction on your record will affect your future, no matter is too big or too small. All consequences should be discussed and considered. All evidence should be obtained and reviewed. Please call and schedule an appointment so we may assist you.

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