



Criminal Trial

The Criminal Trial

START HERE

Review

The Nature and Purpose of the Criminal Trial:

- **The trial process is highly formalized and governed by rules of evidence and other procedural guidelines, as well as informal rules and professional expectations.**
- **The purpose is to determine the defendant's guilt or innocence.**

Adversarial System

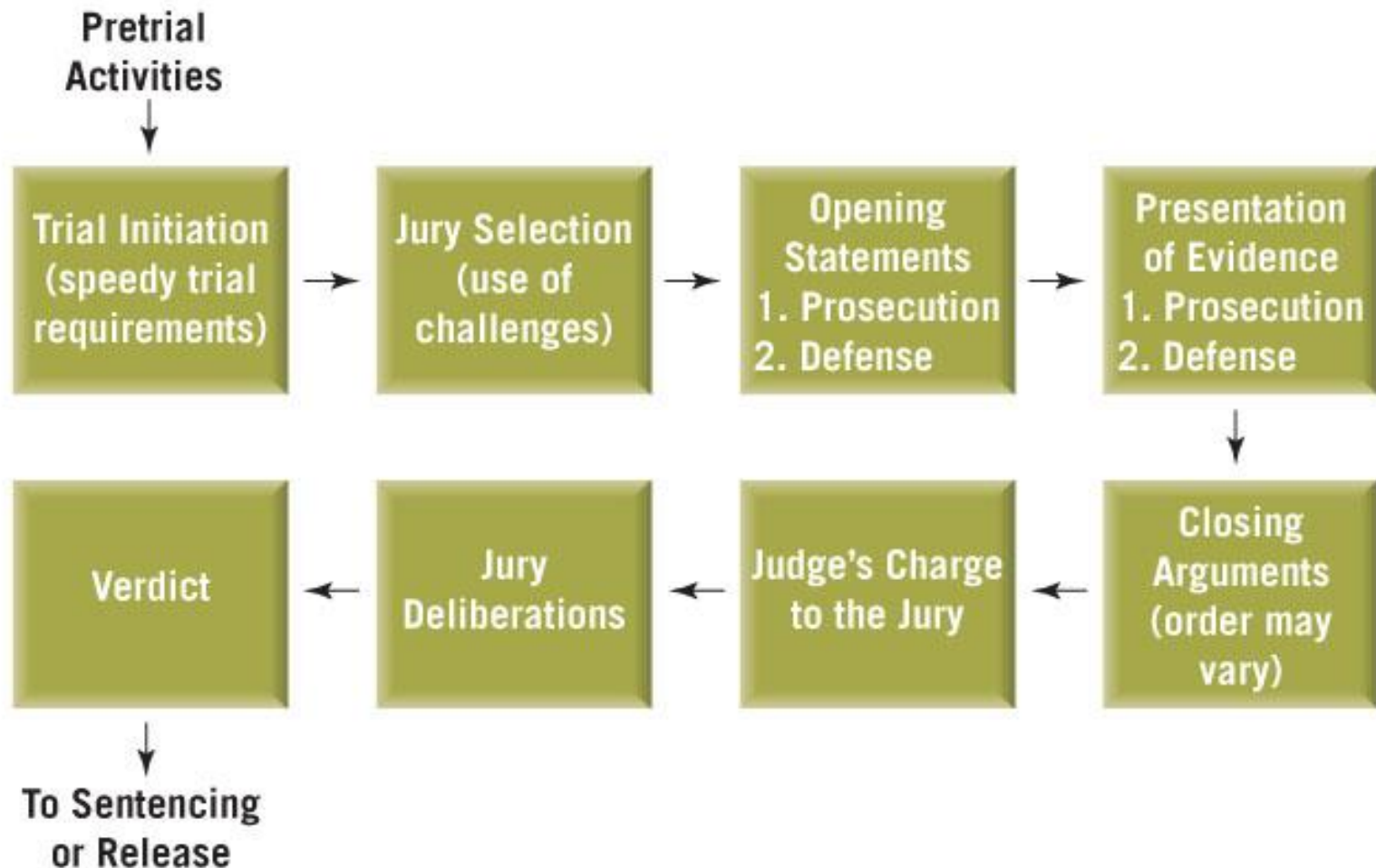
The philosophy of the **adversarial system** is that the most just outcomes will occur when both sides are allowed to argue their cases effectively and vociferously before a fair and impartial jury.

Stages in a Criminal Trial

There are eight stages of a criminal trial.

1.

Stages in a Criminal Trial



Trial Initiation and the Speedy Trial

The _____ guarantees that in “all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial.”

Federal Speedy Trial Act (1974)

- Prosecution **must** seek indictment or information within _____
- Trial must begin within _____ indictment.
- Trial start can extend to 180 days if the defendant is not available or if witnesses cannot be called within the 70 day limit.

State Speedy Trial Acts

- Many states have enacted their own speedy trial legislation.
- Most set a limit of _____ days as a reasonable period of time for a trial to begin.

Jury Selection

- The **Sixth Amendment** guarantees the right to an impartial jury.
- Jurors are expected to be _____ and _____ about guilt or innocence.
- Prosecution and defense attorneys question potential jurors during the process of _____

Jury Selection: Ensuring Impartiality

Both the prosecution and defense can use challenges to remove prospective jurors from jury pool.

- **What are they? - REVIEW**

Challenge to the Array

A challenge to the array claims that the pool from which potential jurors are to be selected is

- **It is argued in a motion**

Challenge for Cause

Review- what is this?

- Typically, each side has _____ of such challenges.

Peremptory Challenge

WHAT ARE THESE?! Review....

- Typically, each side has _____ of such challenges.
- Federal government and states vary in the number of such challenges allowed.

Sequestered Jury

Judges decide whether or not a jury should be sequestered — isolated from the public during the course of a trial and throughout the deliberation process.

Jury Selection and Race

Batson v. Kentucky (1986)—the use of peremptory challenges for purposeful discrimination constitutes a violation of the defendant's right to an impartial jury.

Opening Statements

The presentation of information to the jury begins with opening statements-

The Presentation of Evidence

- **Evidence**—anything useful to a judge or jury in deciding the facts of a case.
- **First, _____ presents its evidence. The _____ follows.**

Types of Evidence

Direct evidence	
Circumstantial evidence	
Real evidence	

The Evaluation of Evidence

Judges decide which evidence can be presented to the jury.

- Evidence must be *relevant*.

The Testimony of Witnesses

Testimony—oral evidence presented by witnesses, including victims, police officers, the defendant, and specialists.

- **Witnesses must be competent to testify.**
- **The defendant has the _____ right not to take the stand.**
- **Witnesses are subject to _____**

- **Witnesses who lie under oath _____**

Closing Arguments

At the conclusion of the trial, both sides provide the jury with closing arguments—a

Judge's Charge to the Jury

- **After closing arguments, the judge charges the jury to:**
 - _____
 - _____
 - _____
- **Judge may remind juries of statutory laws and requirement of impartiality.**

Jury Deliberations and the Verdict

- **Deliberations may take minutes; some take weeks.**
- **Many jurisdictions require a unanimous **verdict**.**
- **Some juries are unable to reach a verdict. These deadlock juries are called _____**

Problems with the Jury System