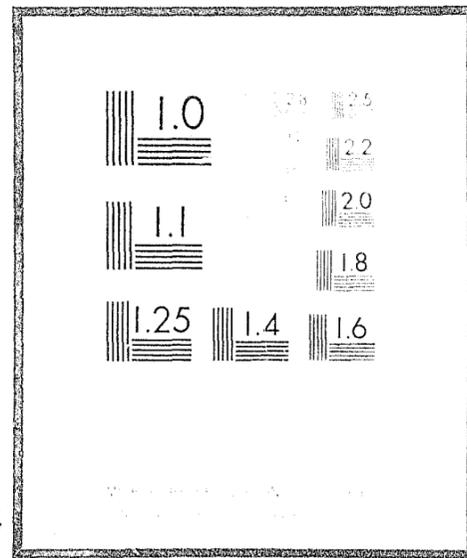


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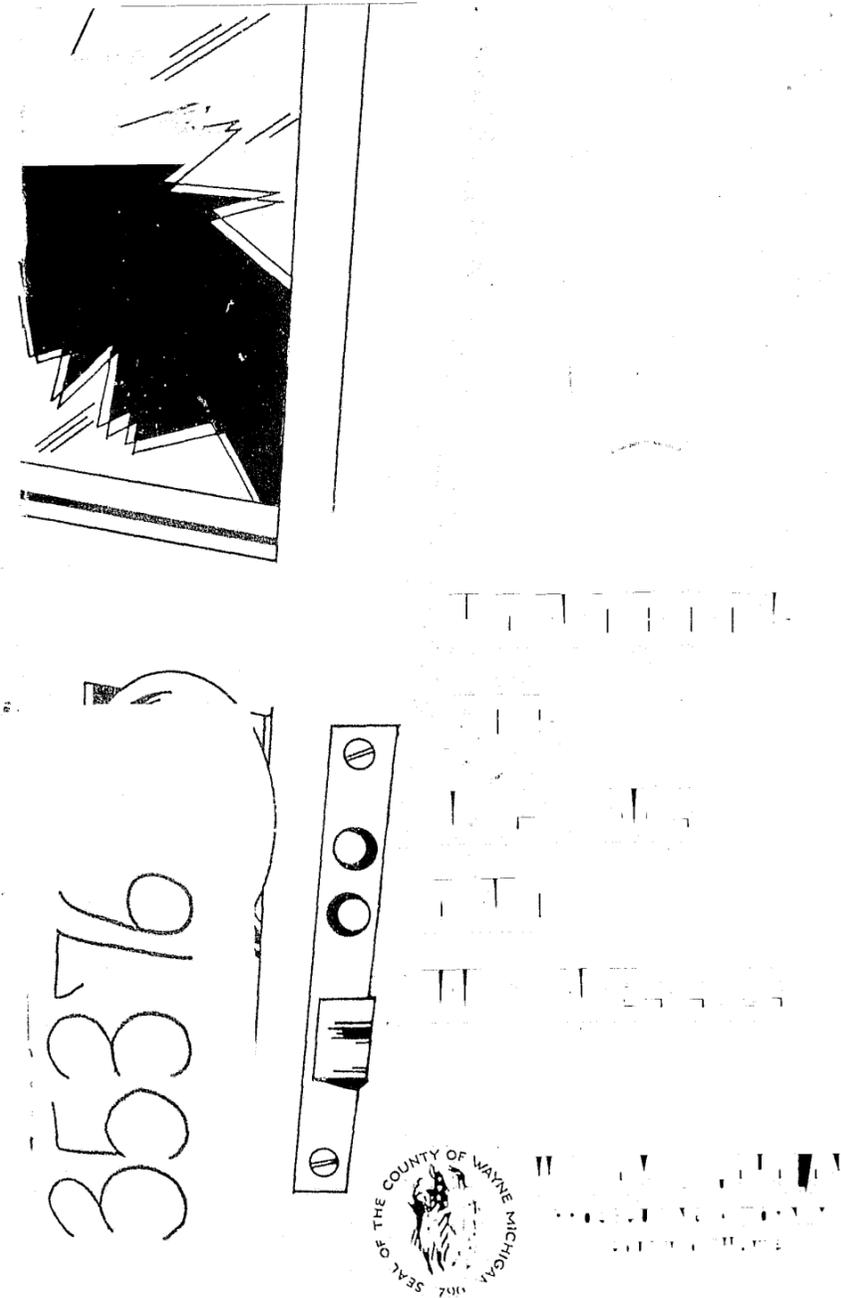
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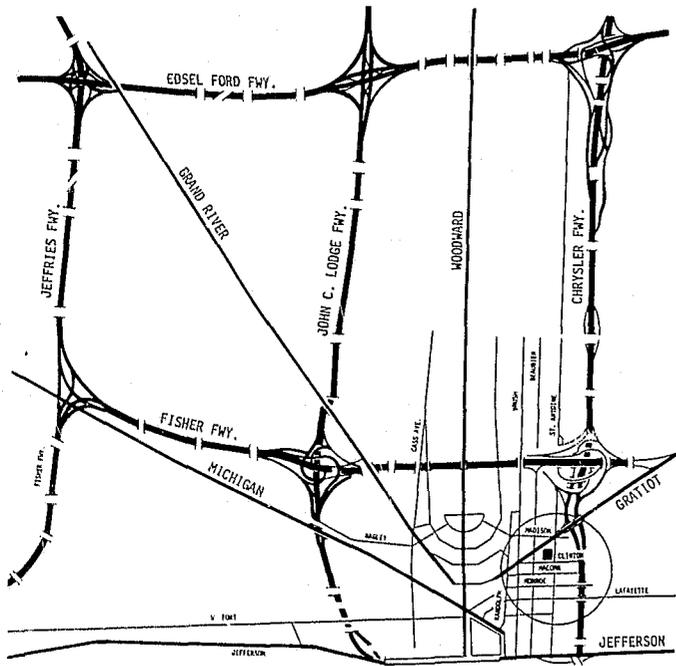
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U.S. DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
NATIONAL CRIMINAL JUSTICE REFERENCE SERVICE
WASHINGTON, D.C. 20531

12/15/76

35376 filmed





MEALS: Breakfast and lunch may be purchased in the Cafeteria on the 9th floor of the Frank Murphy Hall of Justice, or in numerous restaurants in walking distance.

TRANSPORTATION: City bus: Costs 40c; stops on Gratiot at St. Antoine. Minibus from Woodward and Gratiot: Costs 15c; stops near Frank Murphy Hall, at Detroit Memorial Hospital.

PARKING: In A Lot Costs \$1-\$2 per day.

WHAT'S IN THIS HANDBOOK?

A Map	- - - - -	Opposite
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NCJRS
JUL 26 1978

ACQUA

You have the right, as a victim of crime:

- to be free from intimidation;
- to be told about available compensation for court appearances;
- to be told about social service agencies which can help you, and
- to be assisted by your criminal justice agencies.

LOW MISDEMEANOR TIME SCHEDULE

A misdemeanor is a crime with a maximum penalty of 90 days in jail

The Steps	When	Where	Are you required to BE THERE?
The Warrant	Today	Prosecutor's Office 11th floor, Murphy Hall of Justice	YES
Trial by judge	Today Morning	Courtroom G-1 Murphy Hall of Justice	YES
Trial by jury	Date set by judge	Courtroom of the assigned judge Murphy Hall of Justice	YES

FELONY AND HIGH MISDEMEANOR TIME SCHEDULE

A felony is a major crime with a maximum penalty of four or more years in prison. A high misdemeanor is punishable by less than four years but more than 90 days in jail.

The Steps	When	Where	Are you required to BE THERE?
The warrant	Today	Prosecutor's Office, 11th floor, Frank Murphy Hall of Justice	YES
Arraignment	Today	Courtroom Murphy Hall of Justice	NO
Preliminary Examination	In about 7 days	Room 410 Murphy Hall of Justice	YES
Pre-Trial Conference	About 7 days after exam	Prosecutor's Office, 11th floor, Murphy Hall of Justice	NO Optional
Trial	3 to 8 months after pre-trial	Room 410 Murphy Hall of Justice	YES
Sentencing	About 2 weeks after trial or plea	Courtroom Murphy Hall of Justice	NO Optional



Waiting Room — Warrants Section
Victim Assistance Program at Work



An Assistant Prosecuting Attorney discusses
case with Police Investigator

**WHAT SHOULD I
DO FIRST WHEN
A CRIME
HAPPENS?**

First call the police. Dial 911. After police get a report from you, they may ask you to meet a police officer at the Prosecutor's Office.

**WHERE DO I
FIND THE
PROSECUTOR'S
OFFICE?**

The Office of the Prosecuting Attorney of Wayne County is in the Frank Murphy Hall of Justice. It is a new building on the corner of Gratiot and St. Antoine, in downtown Detroit.

The waiting room for the Warrants Section is on the **11th Floor**.

**AM I IN THE
RIGHT PLACE?**

YES, IF:

You have been the **victim** of a crime and you have already completed a report to your local police agency.

Or you have witnessed a crime, and the police have told you to come to the Prosecutor's Office.

**WHAT'S THE
FIRST THING
I SHOULD DO?**

Tell the receptionist in the waiting room that you are here.

**WHY DO YOU
NEED ME HERE?**

You are the most important member of our law enforcement team.

You are the most necessary witness.

The cooperation of every witness is vital!

You are here so that a suspect can be formally charged with the crime you have reported.

The police have written a preliminary report based on their investigation. But before we can charge the suspect with a crime, it may be necessary for an assistant prosecuting attorney to interview you to be sure of the facts.

WHAT IS A COMPLAINT?

A Complaint is a statement of facts to the police about an alleged crime.

WHO SIGNS THE COMPLAINT?

The complainant, who may be a victim in the crime, or a witness to what happened.

WHAT IS A WARRANT?

A warrant is an order signed by a judge, charging a person with a crime. If the person is not already in police custody, the signed warrant gives the police the right to arrest the person and to bring the person to court.

HOW IS A WARRANT OBTAINED?

An assistant prosecutor must decide if criminal charges can be brought, and if so, exactly what the charge should be. The assistant prosecutor must then recommend that the judge sign the warrant. No warrant can be recommended unless:

- 1) a crime has been committed according to the laws of this state;
- 2) there is probable cause, with sufficient evidence, to believe that the person accused is the one who committed the crime;
- 3) the best interest of justice will be served by prosecution.

WHY THE WAIT?

We ask your patience at the warrant stage. It is a matter of utmost seriousness to charge any person with a crime, and it is absolutely important that all the facts be correctly interpreted and recorded. This takes time.

Also, your precinct may have asked for several warrants today. All the witnesses from your precinct may need to wait until your officer is finished, and can take the group to the judge.

WHAT IS GOING ON WHILE I WAIT?

While you are waiting, many people are working to start the prosecution of the case.

Now that you or the police investigator have seen the assistant prosecutor, you know whether the assistant prosecutor has recommended a warrant.

The investigator then carries the file to a typist who types the charges recommended in the warrant, and other legal forms for the assistant prosecutor.

Next, the investigating officer takes the file to the court's clerk, who prepares the official court file for use by the judge.

While the officer waits, she or he may be working on several cases — calling other witnesses, arranging the transfer of prisoners, and starting the search for defendants not in police custody.

AFTER THE WARRANT IS RECOMMENDED, WHAT'S NEXT?

The investigating officer takes the witness and the prosecutor's warrant recommendation to a judge, who will again review the facts. You may be asked questions by the judge to make sure you will back up the complaint. Then the judge decides whether to sign the warrant, and has you swear to the truth and sign your name.



WHAT HAPPENS TO THE PERSON ACCUSED OF A CRIME?

The person accused of the crime is now the defendant.

If the defendant is in police custody, the judge will arraign him or her shortly after signing the warrant. The judge sets bail and sees that the defendant is represented by an attorney.

You do not need to be present at the arraignment.

The Constitution of the United States guarantees a reasonable bail. In setting the amount and type of bond, the judge considers whether the defendant will pose a severe threat to the community and whether the defendant will flee.

IF THE CASE IS A FELONY, WHAT HAPPENS?

The Judge sets a date for the Preliminary Examination. By court rules, this must be held within 12 days after Arraignment.

WHAT IS THE PRELIMINARY EXAMINATION?

It is a scheduled courtroom event where the judge, the defendant, the defendant's lawyer, the prosecutor, and the complainant are all present. The purpose of the preliminary examination is to determine whether or not the defendant should go to trial.

DO I GO TO THE PRELIMINARY EXAMINATION?

YES!

You will be told a date when you should report to Room 410 in the Frank Murphy Hall of Justice. Your case will then be assigned to a courtroom.

MAKE SURE YOU GO TO THE COURTROOM ANNOUNCED!

WHAT DO I DO AT THE PRELIMINARY EXAMINATION?

If the defendant decides to waive (not demand) the examination, you do nothing more at this time.

If the examination is held, the assistant prosecutor may ask you to sit in the witness chair and to answer questions about who you are and what you know about the case. The defendant's lawyer may also ask you questions.

If the judge decides that there is enough proof to show that a crime has been committed, and prob-

AM I PAID FOR MY EFFORTS AS A WITNESS?

able cause that this defendant committed it, the judge will order the defendant to go to trial.

Yes, if you appear at the preliminary examination or trial of a **FELONY**, whether or not you are actually called to the witness chair to testify. You will be paid \$6.00 for a half day and \$12.00 for a full day, plus 10 cents a mile if you come from outside of Detroit.

When the case is over, the officer in charge makes up a pay voucher for the court clerk to sign. On the day the case is closed, you will be paid in one lump sum. To cash your pay voucher, go to the Treasurer's Office in the City-County Building, on the second floor, Room 208.

HOW DOES A CASE GET DISMISSED?

If the judge decides there is not enough proof to order the defendant to go to trial, the Judge dismisses the case. This means that all legal action has come to an end, and the defendant is released.

This can also happen if witnesses such as you fail to appear.

WHAT HAPPENS IF I CHANGE MY MIND AND DON'T WANT TO PROSECUTE?

The whole community has a stake in prosecuting wrongdoers. The complaint is now the People's case. A lot of costly work will go to waste if the complainant backs out!

You would have to go before a judge and explain your reasons for backing out.

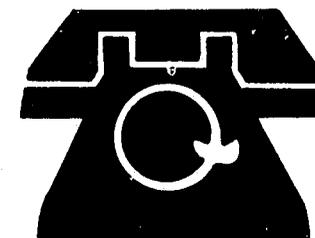
The judge can bill you for the costs of the case so far.

Before you change your mind, **PLEASE** call the officer in charge and discuss your concerns.

Or call the Victim/Witness Assistants at the Prosecutor's Office. They will try to help with problems, doubts, or questions you may be having.

HELP

DIAL 224-5858



**HOW DOES A
CASE GET
SETTLED BY A
GUILTY PLEA
INSTEAD OF
A TRIAL?**

The prosecutor may authorize a plea of guilty by the defendant after the Pre-Trial Conference, which is the next step. This meeting takes place at the Prosecutor's Office 7 to 10 days after the preliminary examination is held or the defendant is ordered to go to trial.

You are not required to come in at this time. However, you may decide to come in and state your views to the pre-trial assistant prosecutor. Your presence will give the assistant prosecutor a chance to check the facts and the seriousness of the case.

At this conference, the assistant prosecutor and the defendant's lawyer talk about the possibility of the defendant's pleading guilty.

The plea can be guilty to the crime as it was first charged, or guilty to a related crime with a lower maximum penalty.

If the defendant, through a lawyer, offers to plead guilty, the assistant prosecutor considers the seriousness of the crime, the strength of the proofs, and the defendant's criminal record.

If the prosecutor accepts the plea offer, the defendant and the lawyer take the authorization form to the judge who is assigned to the case. If the judge is satisfied that the defendant is guilty, the plea is taken and a date is set for sentencing the defendant.

**WHEN WOULD
A PLEA BE
ALLOWED?**

The prosecutor's policy is to allow a guilty plea to a lower crime where the judge would usually be able to give the same sentence as in a trial and conviction on the original crime.

No pleas are allowed on the same day the trial is scheduled to begin.

Defendants who plead guilty are sentenced to prison or probation about the same as if there had been a trial. Since 9 out of 10 defendants are sentenced without the cost of holding a trial, mil-

**WHAT MAKES
FOR DELAYS IN
HOLDING THE
TRIAL?**

lions of dollars in court costs are saved for the taxpayers.

If no plea is agreed on, the case will go to trial on the date set. You will be notified if you are needed at the trial.

The actual trial date may be postponed several times.

These adjournments are allowed by the judge when the defendant's lawyer asks for more time to prepare the case, or when the court has to juggle its own schedule.

The date for trial may be changed on short notice if the court or the defendant's lawyer suddenly has a schedule conflict. You may not be notified of a last-minute change.

We regret the inconvenience to you of an unnecessary trip.

**WHAT HAPPENS
IN A TRIAL?**

In a trial, the assistant prosecutor presents the case for the state and for the complainant. The defendant may present his or her side through a defense attorney.

There are two kinds of trials — jury trials and bench trials. The defendant can decide which will take place.

In a bench trial, the defendant has waived the right to have a jury. The judge decides who is telling the truth and whether the defendant is guilty.

In a jury trial, twelve jurors, who are registered Detroit voters, decide. All 12 jurors must agree that the defendant is guilty **beyond a reasonable doubt** in order to convict that person. If all 12 agree the defendant is innocent, the defendant is acquitted and allowed to go free.

If the jurors, talking together in the closed jury room, can not all agree on guilt or innocence, there may be a new trial.

**WHAT WILL I DO
IN THE TRIAL?**

You will have an important part in the trial. As a witness, you may be asked to answer questions about who you are and what you know about the case.

Give your answers as truthfully and as clearly as you can. The judge is there to assist you if you do not understand a question, and to see that you are treated respectfully.

**WHAT WILL
HAPPEN TO ME
IN COURT?**

As a witness for the state, you may be questioned by the assistant prosecutor and then by the defendant's attorney, who will cross-examine you (asking some of the same questions).

You may feel during the questioning that your testimony is under suspicion or that your personal motives are doubted. But the process of cross-examination is not meant as a personal attack toward you. It is to ensure that all sides of the case are told, and to establish the truth.

If you are concerned about what will happen, you may wish to call the 224-5858 Victim/Witness Assistance number at the Prosecutor's Office. You may also wish to observe part of another felony trial, to get used to the procedures.

**DO I STAY FOR
THE WHOLE
TRIAL?**

After your testimony, you may remain in the courtroom until the trial is over. In this way you will be available for the prosecutor's questions or for a possible recall to the witness stand. While the trial is in progress, please do not talk in the courtroom. If you have something urgent to say to the assistant prosecutor, pass along a written note.

**WHEN DOES THE
JUDGE DECIDE
THE SENTENCE?**

After a verdict of guilty, or after a plea of guilty, the judge sets a date for sentencing.

The sentencing date is usually two weeks later. During this time the court probation department may evaluate the defendant.

**WHAT'S IN IT
FOR ME?**

You will know that you have done your best to make your community a safe one in which to live and work.

The process of justice takes time — from you and from many other people. It often seems tedious. You may sometimes feel frustrated and discouraged.

Some of the delays and frustrations you may encounter are part of the system that protects YOUR rights if someone accuses you of a crime. In our country, every person is presumed innocent until proven guilty beyond a reasonable doubt.

To protect this right, we have a system of criminal justice with many painstaking steps.

**WHY DO YOU
APPRECIATE ME?**

The system depends on the patience and commitment of citizens like you to make it work.

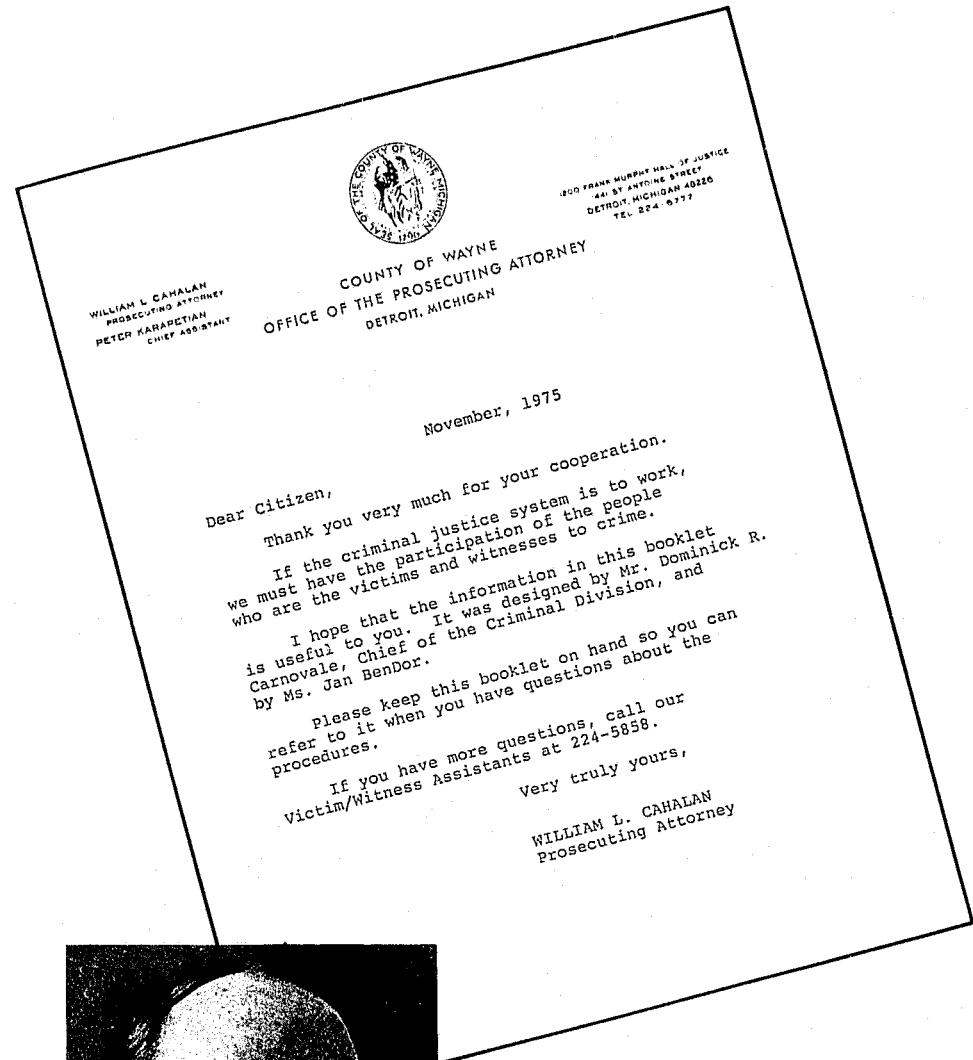
We hope that none of the delays will make you give up on your case.

The greatest tragedy is the case lost when a victim or witness drops out.

Prosecutor Cahalan appreciates your determination and your patience. We hope to share with you the satisfaction of a fair and successful prosecution in this case.

Problems? Here's Help . . .

- What If I Forget The Date To Come To Court?** Call and ask the officer in charge of your case.
- What If I Can't Appear On The Date Scheduled?** Call and tell the officer in charge of your case as soon as you know you can't come to court.
- What If I Miss My Court Appearance?** The case will probably be dismissed. You will have to start all over with the officer — **IF** the judge allows a new warrant.
- What If I Lose The Court Case Identification?** To get the court case number or the name of the defendant, call the officer in charge of your case.
- What If I Can't Find Transportation To Court?** If all your efforts to find a way have failed, call the officer in charge of your case.
- What If Someone Threatens Me To Get Me To Drop The Charges?** Such a person is obstructing justice. Call the officer in charge of the case. Police can ask the judge to issue a new warrant to arrest, or to revoke the defendant's bond.
- How Do I Find Out If The Defendant Is In Jail?** Call the Wayne County Jail at 224-2222, the evening of the day the defendant has been arraigned. Ask for Prisoner Information.
- When Will I Get My Belongings Back From The Police?** Usually within three weeks. However, some property tagged for evidence may be held until several months after the trial is over.
- What If The Defense Attorney Contacts Me About The Case?** The defense attorney has the right to talk to you about the case, **but** you should report the contact to the officer in charge of the case.



WILLIAM L. CAHALAN
Prosecuting Attorney

PERSONAL NOTES

Date Remarks

Artwork by Susan Walsh
Date of printing: December 1975

PLEASE KEEP THIS HANDY

VITAL INFORMATION

Name of the Officer
in Charge of Your Case _____

Officer's Telephone _____

Court Case Number _____

Name(s) of Defendant(s) _____

Victim/Witness Assistance at the Prosecutor's Office:
Telephone **224-5858**

DATES AND TIMES TO REMEMBER

Preliminary Examination Date _____ Day _____ Time _____

Pre-Trial Date _____ Day _____ Time _____

Trial Date _____ Day _____ Time _____

**IF, ON ANY OF THESE DAYS, YOU SUDDENLY
FIND YOU CANNOT APPEAR IN COURT . . .
CALL THE COURT CLERK AT 224-2500!**

For the peace and dignity
of the people of
the State of Michigan



Frank Murphy Hall of Justice

WILLIAM L. CAHALAN
Prosecuting Attorney
County of Wayne

END

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