

☐ Review Sheet for "Adjudication in Court" Unit

Instructions:

- Review the main ideas from the unit in the text.
- Test your understanding by completing the questions. If you want help answering the questions, go to exercise 3, "Understanding pretrial procedures" and exercise 4, "Understanding the steps in a jury trial."

What Happens Before (Pretrial) and During the Trial

The events leading up to a trial are known as the pretrial procedures. During the pretrial phase, if the defense and prosecution reach an agreement, as often occurs, usually because of a plea bargaining agreement, the trial does not happen at all. If a plea bargaining agreement is not reached, the judge has to answer certain crucial questions about the upcoming trial, such as: Will the defendant be kept in jail until the trial, or will he be released, and if so, how much bail (amount of money) will the defendant need to pay? When and where should the trial be held? What kind of evidence will be allowed in the court room? By filing various pretrial motions, both the defense and prosecution can influence the trial in ways that would be most favorable to them.

When it is decided that a trial will go on, a highly regulated process must be followed, covering almost everything starting from the selection of the jury to the reading of the verdict. This process describes which side will present its arguments first. Since it is always the prosecutor's burden to prove the defendant's guilt, much of the argument presented by the defense will be a rebuttal against the prosecution's argument. At the conclusion of a trial, the closing statements are delivered, the judge gives instructions to the jury, and the jury is sent off to deliberate. If the verdict is guilty, the sentence is not actually decided during the trial but occurs on a separate date. This is because of the bifurcated (divided into two sections) nature of U.S. courts.

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CRIMINAL JUSTICE 101

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Give one reason why an attorney might want to file each of the following pretrial motions:

Motion for change in venue:

Motion for severance of defendants

Motion for severance of charges:

Motion for continuance

Write the definition in your own words of the following terms:

Voir dire

Definition:

Peremptory challenge

Definition:

Direct examination

Definition:

Cross examination

Definition:

Hung jury

Definition: