

Trial Procedure (continued)

2. After the prosecution has presented its case, you may present your case. You have the right to call witnesses of your choosing and to present evidence that is legally admissible. It is at this point that you may testify on your own behalf if you so desire.

3. At the end of the trial, you will have an opportunity to summarize your case to the jury, or in a non-jury case, to the Judge. At that time, you may present any arguments that are based on the testimony and evidence presented during the trial, and that tend to show that the State has not proven its case beyond a reasonable doubt.

Verdict

The judgment, or verdict, will be based upon the facts and evidence presented during the trial. Testimony must have been given under oath to be considered.

Sentencing

The facts and circumstances of the case and your prior criminal record, or lack thereof, will affect the amount of any jail sentence, fine, fee or probation assessed by the court.

1. Mitigating circumstances may lower the amount of jail, fine or probation, even if you are guilty.

2. Aggravating circumstances may increase the amount of jail, fine or probation.

3. For some offenses, there are statutory minimum sentences that the judge must impose. In no instance, however, will sentences exceed the maximum levels of a \$2,500.00 fine plus 80% in surcharges and/or six months in jail and/or three years probation (five years for DUI), for any one complaint.

4. If your criminal conduct caused a loss to another person, for example, damage to property or physical injury that caused the person to incur medical expenses or lose time from work, you may be ordered to pay restitution in the amount of the loss.

Victim Services

Definition of “victim”:

1. “Victim” is defined by the Arizona Criminal Code as a person against whom the criminal offense has been committed, or if the person is killed or incapacitated, the person’s spouse, parent, child or other lawful representative, except if the person is in custody for an offense or is the accused.

2. Victims of misdemeanor crimes that occur within the Flagstaff City limits are provided with victims’ rights information from the City Attorney’s Office, initially via mail. The information is sent to the victim at the address listed in the police report. If you believe you are a victim of a misdemeanor crime being prosecuted by the City Attorney’s Office, and your address as listed in the police report is incorrect, or you have moved or someone at the address might intercept your mail, please contact the City Attorney’s Office to let us know.

3. Information and support may also be obtained from Victim/Witness Services for Coconino County. Victim/Witness Services advocates are available to explain the judicial system, act as a link between the prosecutor and the victim, give case status information, make referrals for social services, provide transportation to Court, escort victims while they testify or appear at hearings and assist in obtaining Orders of Protection or Injunctions Against Harassment. They may be contacted at:

Victim/Witness Services for Coconino County
5200 E. Cortland Blvd., Suite B-5
Flagstaff, AZ 86004
Telephone: (928) 779-6163
Fax: (928) 214-8775

Flagstaff Police Department: (928) 774-1414. In an emergency, dial 911.



FLAGSTAFF CITY ATTORNEY’S OFFICE

CRIMINAL MATTERS

Complaints/Charges
Trial Information
Victim Services

Mailing Address:
Flagstaff City Attorney’s Office
211 West Aspen Avenue
Flagstaff, AZ 86001

Physical Address for Prosecution Section:
107 West Aspen Avenue
Flagstaff, AZ 86001

(928) 213-2025
(928) 774-5281 TDD
Arizona Relay Service 711
FAX Civil Section: (928) 913-3204
FAX Prosecution Section: (928) 774-4087

Criminal Complaints/Charges

What to do if a formal complaint or citation has been filed against you with the Flagstaff Municipal Court.

Arraignment and Plea

The charges against you allege that your actions were unlawful. You will need to appear in court at an arraignment to enter a plea on those charges.

1. If you were issued a citation by a police officer, your initial court date will be written on the citation. If you received a summons from the Court, your arraignment date will be the court date indicated on our summons. If you fail to appear for Court on the date and time indicated, the Court may issue a warrant for your arrest.

Under the United States system of justice, all persons are presumed to be innocent until proven guilty beyond a reasonable doubt. Your decision on what plea to enter is an important one. There are three possible pleas to a criminal charge:

a) Plea of Not Guilty. This means that you are informing the court that you deny guilt, and that the state must prove the criminal charge(s) against you. The State is represented by the City Attorney's Office.

b) Plea of Guilty. You admit that you committed the act(s) charged in the complaint, that the law prohibits such acts and that you have no legal defense for your conduct. If you were involved in a traffic accident at the time of the alleged offense, your plea of guilty could be used later in a civil suit for damages as an admission by you that you were at fault or were the party responsible for the accident.

c) Plea of No Contest. This plea, also known as nolo contendere, means that you are not admitting guilt and not denying it. You are saying that you do not wish to contest the state's charge against you. Upon a plea of no contest, the Judge will enter a judgment of guilty.

2. You will enter your plea with the Judge at your arraignment. Unless your case involves a victim who has asked to be present, no witnesses will be present at arraignment and no testimony will be taken. At arraignment, the Judge will not grant a defendant's

request to dismiss any charges. You will simply enter your plea to the charge(s) against you.

a) If you enter a plea of guilty or no contest, you may be sentenced immediately following the Judge's acceptance of your plea or you may be sentenced at a later date.

b) If your plea is "not guilty," a pretrial conference will be scheduled followed by a trial setting. You must decide, if you have not already done so, whether to employ an attorney to represent you.

c) You may represent yourself, but no other person except an attorney may represent you on your case. Under some circumstances, a court-appointed attorney may be provided to you.

d) If you feel that you cannot afford an attorney and wish representation, you may fill out an application, provided by the Flagstaff City Court, requesting that an attorney be appointed to represent you. An examination of your financial status will be made to determine if you are entitled to a court-appointed attorney. If you are eligible, you may be ordered to pay a portion of the attorney's costs. In most cases, you will not be granted a court-appointed attorney unless the State is seeking jail time. Of course, you may always hire your own attorney.

e) For some types of offenses, diversion programs offered by the City Attorney's Office may provide an alternative to the normal trial process.

Trial Information

Pretrial Conference: Pleas

If you plead not guilty at arraignment, you will receive two court dates. The first will be for a pretrial conference and the other for a trial. The pretrial conference is an opportunity for you to review the State's evidence against you, and for the prosecutor to extend a plea offer that may resolve the case without the need for trial.

Documents to Bring with You

If you have been cited for failure to have insurance, vehicle registration, driver's license or dog license / vaccination, it will be helpful to you to obtain proof

of obtaining these before the pretrial conference. If you had these items at the time of the alleged offense, please bring in proof so that the prosecutor may review it.

Further Proceedings

Once you have finished speaking with a prosecutor, you will receive instructions on where to proceed. If you agree to a plea offer, then your case can be concluded on that date. If you decline the plea offer, your case will be assigned a trial date. If you decide later to accept the plea offer, you will need to appear before a judge to change your plea. Quite often, the best time to do this is at the time of trial. However, if you initially decline the plea offer and later decide to accept it, let the prosecutor know. A plea offer may be available only for a limited time.

Witnesses and Documentary Evidence

If you have witnesses or other evidence that you would like to have considered in your case, you will need to bring them with you on the trial date. If you need to subpoena a witness, the court clerks can assist you in the procedure you will need to take. You are entitled to be represented by an attorney, but you may also represent yourself.

Please be patient with the pretrial conference process. There are many others waiting to speak to a prosecutor and your cooperation and patience are appreciated.

Trial: Trial Procedure

If an attorney represents you, the attorney will advise you regarding the presentation of your case. If not, you need to be aware that the State will present its case first by calling witnesses to testify and presenting evidence against you.

1. After each prosecution witness has finished giving testimony, you will have the right to cross-examine the witness. Your examination must be in the form of questions, and you must not argue with the witness. Do not attempt to tell your side of the story at this time. You will have an opportunity to do so later in the trial.