

## **COMMON CRIMINAL COURT HEARINGS**

### **72-Hour Hearing**

The prosecuting attorney screens the arresting officer's report and decides whether or not to file charges. Charges must be filed within 72 hours of the juvenile's arrest and entry into detention. This 72-hour period does not include weekends and holidays and does not apply to juveniles who are not detained. If charges are not filed within that timeframe, the juvenile **must** be released. The prosecutor attempts to have the 72-hour hearing and arraignment, if any, on the same day.

If the prosecutor files charges later than the 72-hour period, a NOTICE and SUMMONS will be mailed to the parents or guardian of the juvenile. A 'Notice and Summons' directs the parents to appear with the juvenile on a given day for an arraignment. A copy of the formal charges is included. If the charge is minor in nature, the juvenile's case may be referred to the Diversion unit. Notification of receiving the referral is sent out by the Diversion unit shortly after reviewing charges for acceptance.

### **Detention Review**

At any time prior to the scheduling conference or trial, the parent, probation officer, and/or defense attorney can request a detention review hearing. At this hearing, the court determines whether any changes that would warrant release have occurred in the status of the case since the court's last order of detention.

### **Arraignment**

An arraignment must be held within 72 hours of charges being filed excluding weekends and holidays. At an arraignment, formal charges are read and the juvenile pleads either guilty or not guilty. The juvenile is represented by a court-appointed attorney unless the parent has hired a private attorney.

If the juvenile pleads guilty, a disposition hearing (sentencing) is scheduled. If a plea of not guilty is given, the court sets a scheduling conference within two weeks of the arraignment. If the juvenile is detained, the scheduling conference is set within one week.

The court next determines whether the juvenile will be held in detention or released pending future court hearings. Factors affecting a juvenile's detention include the serious nature of the current criminal charges, prior offense history, level of threat to the community, and the juvenile's likelihood of appearing at future court hearings. At the arraignment, court personnel provide information pertaining to the juvenile's life style, delinquent history, prior court involvement and the current crime to the court. The prosecutor, defense attorney, the juvenile's probation officer and the child's parents or guardian makes recommendations regarding detention or release.

## **Trial**

At a trial, the judge hears all the evidence and applies the law in deciding whether or not a juvenile had committed an offense. If found not guilty, the juvenile has no further obligation to the court for that particular charge. The juvenile cannot be charged again for that offense. If the juvenile is found guilty, a disposition hearing is scheduled.

## **Disposition Hearing (Sentencing)**

A disposition hearing establishes consequences for the juvenile's criminal behavior. Sentences for juveniles are based upon the seriousness of the current offense and prior offense history (STANDARD RANGE). At the time of disposition, the court will either place the juvenile on community supervision (probation) or sentence the juvenile to a specified period of confinement within the Juvenile Rehabilitation Administration (JRA) (a state institution).

At the disposition hearing, the probation officer provides a written report to the court containing information gained from interviews with the juvenile and parents. Recommendations regarding the juvenile's disposition are made by the prosecutor, defense attorney, and the probation officer. The court, in determining the most appropriate sentence, also takes information provided by the parents into consideration. The court may also hear from the victim of the crime if present at the hearing or by letter.