I am proud to share our annual report which highlights some of the 2018 noteworthy achievements of the more than 250 people who work on behalf of the residents of Denver as employees of the Denver District Attorney’s Office.

Our office seeks to provide equal justice for all involved in the criminal justice system. The office prosecutes criminal cases, seeks justice for victims, works with the community to prevent crime and protect public safety. We strive to act at all times with professionalism, compassion, transparency and community engagement. This is a dynamic and important office for the people of Denver. The office is filled with a talented and dedicated staff, each of whom work hard every day on behalf of the residents of Denver.

In reading this report, I hope you learn about the work we do and a bit about our efforts to advance community-oriented and prevention-focused approaches to criminal justice. Together, we can promote a smarter and equitable system of justice for all of Denver.

Sincerely,

Beth McCann
The Denver District Attorney's Office investigates and prosecutes state crimes committed in the Second Judicial District of Colorado which is comprised of the City and County of Denver.

Mission: To professionally and competently prosecute crimes and investigate criminal activity on behalf of the people of the State of Colorado and to seek equal justice for all in the criminal justice system.

Our mission includes the prevention and deterrence of crimes, support and well-being of victims, participation in the community, transparency, accountability and reform of the criminal justice system to provide fair and equal justice.
2nd Judicial District
Denver District Attorney’s Office

The District Attorney (DA) is elected by the citizens of Colorado’s Second Judicial District. The fundamental duty of the DA is to ensure that justice is administered fairly to each citizen of Denver.

The DA prosecutes state misdemeanor, juvenile and felony cases in County, Juvenile and District Courts; provides assistance to witnesses and victims of crime; and maintains an active community education and crime-prevention program.

The DAs provide training for police officers and sheriff deputies regarding legal issues in criminal justice, respond to officer-involved shootings and in-custody deaths, provide around the clock support to the Denver Police Department for guidance on search and arrest warrants and respond to all homicides.

There are 22 judicial districts that make up the Judicial Branch of Colorado state government. Each judicial district is served by a locally-elected district attorney. The City and County of Denver comprises the 2nd Judicial District.
• Revamped the Veterans Court under the leadership of a senior deputy district attorney who is a veteran of the United States Navy and Marine Corps.
• Finalized the office habitual criminal policy.
• Developed and implemented an innovative Pre-File Young Adult Diversion program.
• Supported the passage of the Caring4Denver initiative which will result in $35 - $40 million annually to address mental health and substance abuse issues in Denver. DA McCann was appointed to the board of Caring4Denver.
• Presented at 44 community/neighborhood association meetings.
• DA McCann was appointed to the National District Attorney’s Association (NDAA) Opioid Task Force which issued guidelines regarding prosecutors' response to the opioid epidemic.
• Received funding from the Colorado Restorative Justice Council for a part time DA to work with the public defenders office to develop best practices for restorative justice.
• Filed an amicus brief with the Colorado Supreme Court defending the constitutionality of a law that authorized resentencing of juveniles sentenced to life without parole. Our position prevailed.
• Issued letters on 10 officer-involved shootings and held six public meetings to discuss findings.
• Established a team of attorneys who specialize in the filing and prosecution of hate and bias motivated crimes.
Reinstated the Denver District Attorney Citizens Academy which provides an overview of the criminal justice system for individuals.
Established the Youth Advisory Council. Attendees meet monthly to discuss Denver youth and the criminal justice system.
Finalized a new immigration policy to provide guidance to deputy DAs regarding the consideration of immigration status when offering dispositions of cases.
Certified 166 individuals for U-Visa applications.
Partnered with stakeholders to design L.E.A.D. (Law Enforcement Assisted Diversion) to divert low-level offenders into treatment. L.E.A.D. will launch in 2019.
Received a $1 million human trafficking grant along with The Asian Pacific Development Center to combat human trafficking and fund victim assistance.
Hosted the Advanced Child Abuse conference for the Association of Prosecuting Attorneys.
Hosted World Elder Abuse Awareness Day in partnership with other city agencies.
Held a management retreat for all managers in the office.
Completed the Marvin Booker Grand Jury case.
Established four weeks of paid maternity/paternity leave.
Established the Denver DA Justice Programs Foundation, a nonprofit to support and provide outreach and education programs and innovative new efforts to reform criminal justice.
The Denver District Attorney’s Office employs approximately 250 people working on behalf of the citizens of Denver. In addition to the district attorney and the assistant district attorney, the office includes:

**95 Prosecutors**—senior chiefs and chief deputies who, in addition to their heavy caseloads, assist in the management of the office and lead special units and deputy district attorneys, who handle cases in the County, Juvenile and District Courts. Each prosecutor averages 88 cases at any one time.

**35 Criminal Investigators**—experts who conduct investigations and gather additional evidence, locate and interview witnesses, subpoena witnesses when necessary, prepare documents for trial and provide vital trial support.

**27 Victim Advocates**—specialists who contact and provide assistance and support to crime victims, survivors, their families and to other witnesses throughout the criminal justice process. The advocates are the face of our office with crime victims and are vital to fulfilling our obligation to serve victims of crime.

**36 Legal Secretaries & Paralegals**—administrative professionals who are responsible for keeping the courtroom dockets running on time, arranging and ensuring the production of discovery and providing other support for all the cases assigned to the prosecutors and victim advocates.

**55 Administration, Program Staff & Directors**—information technology and services staff who operate the many complex computer, database and e-file systems; a multi-media specialist who provides evidence support, records reproduction services, and creates the trial exhibits and other office presentations; special program directors and staff; community education and outreach specialists; front office, discovery, and case intake staff who provide critical public response and case management service and the public information officer.
The primary work of the Denver DA’s Office is the prosecution of criminal offenders and support of the victims of those crimes. To accomplish the work, the office is organized by County, Juvenile and District Courts. There are also specialty units and a number of unique programs within the office. The majority of cases prosecuted by the Denver DA’s Office are handled by chief deputies and deputy district attorneys who are assigned to either County, Juvenile or District courtrooms.

**County Court Division**- prosecutes all misdemeanor cases, including third-degree assaults, domestic violence cases, drug-related cases and state-level traffic cases such as alcohol and drug-related driving offenses, careless driving and driving without a license or insurance. The deputy district attorneys in this division are responsible for prosecutions in five County Court courtrooms.

**District Court Division**- prosecutes all adult felony cases except those routed to the office’s specialty crime units. The chief and deputy district attorneys in these divisions are responsible for prosecutions in eight District Court courtrooms.

**Specialty Crime Units**- specializes in At-Risk Adult, Behavioral Health, Cold Case, Crime Strategies, Economic Crime, Family Violence and Human Trafficking.

**Juvenile Court Unit**- prosecutes all cases brought against juvenile offenders.

**Special Projects**- serves as the umbrella for a variety of programs designed to address issues related to the criminal justice system. The programs support the needs of victims and witnesses and provide education programs to Denver residents.

**Appellate Unit**- handles appeals in the Colorado Court of Appeals and the Colorado Supreme Court.
Prosecutes all misdemeanor cases, including third-degree assaults, domestic violence and drug-related cases, state-level traffic cases such as alcohol-drug related driving offences, careless driving and driving without a license or insurance. The deputy district attorneys in this division are responsible for prosecutions in five County Court courtrooms. This unit tried 138 cases in 2018.

### COUNTY COURT MISDEMEANOR FILINGS

<table>
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<tr>
<th></th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
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<td></td>
<td>12,105</td>
<td>12,268</td>
<td>12,120</td>
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Prosecutes all adult felony cases except those routed to the specialized crime units. The deputy district attorneys in this division are responsible for prosecutions in eight District Court courtrooms. 122 cases were tried in District Court in 2018.

### District Court Felony Filings

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<tr>
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<th>2016</th>
<th>2017</th>
<th>2018</th>
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</thead>
<tbody>
<tr>
<td>Cases</td>
<td>6,808</td>
<td>7,085</td>
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</table>
FILED CASES BY CHARGE TYPE
A singular case may have multiple types of charges.
Screens and files all cases in which the defendant is between the age of 10 and 18. Prosecutors also determine whether juvenile diversion (an alternative to formal court proceedings) is appropriate for a non-violent offender.
Guided by DA McCann's vision, the Denver District Attorney's Office created new specialty units and continued support for established specialty units within the office.

Traditional courts have been the established norm for prosecuting offenders. However, research and leading DAs in the criminal justice reform movement understand that a one-size fits all model does not help the underlying and systemic issues of the offense, the offender or the community.

Specialty units address systematic issues such as: mental health, drug and alcohol addiction, family violence, economic crimes and gang-related crimes.

"Change will not come if we wait for some other person or some other time. We are the ones we've been waiting for. We are the change that we seek."

Barack Obama
**AT-RISK ADULTS**

Prosecutes physical abuse, neglect and financial exploitation crimes committed against adults over 70 years and adults with intellectual and developmental disabilities.

**COLD CASE**

Specializes in prosecuting previously unsolved murders and sexual assaults, often using DNA technology. To date, the Denver DA’s Office has prosecuted more than 120 cold sexual assault and homicide cases. Since the establishment of the Cold Case Unit in 2006, the chief of the unit has taken five cold homicide cases to trial. Three of these were sexual assault homicides. Convictions were obtained in four of the five trials.
**SPECIALTY UNITS**

**CRIME STRATEGIES**

Prosecutes cases that involve gang-related crime such as gang membership, in which the defendant, victim and/or witnesses are known gang members and cases in which the defendant has previously been prosecuted by the unit. The people in this unit also work to develop strategies regarding reducing crime in high-crime areas. Nineteen cases were tried in 2018.

**ECONOMIC CRIME**

Investigates and prosecutes organized criminal activity, complex financial crimes, identity theft, theft, forgery, credit and debit card fraud, securities fraud, computer crime, embezzlement, public corruption and election fraud. This unit also presents cases to the Denver Grand Jury.
FAMILY VIOLENCE

Screens and prosecutes cases involving all aspects of domestic violence, including physical and sexual abuse. The unit also prosecutes child abuse and child sexual assault cases. The members of this unit work closely with domestic violence detectives in the Denver Police Department and with a designated deputy district attorney who specializes in domestic violence cases. Twenty-seven cases were tried in 2018.

HUMAN TRAFFICKING

Investigates and prosecutes cases involving commercial sexual exploitation and labor trafficking. The unit works closely with law enforcement and community partners to prosecute exploiters, traffickers and to assist survivors in accessing services. The unit presents cases to the Denver Grand Jury as appropriate.
Mental health and substance abuse are key drivers of criminal behavior. The conventional approach of warehousing individuals does not address the underlying issue of addiction.

This unit is dedicated to addressing these issues in a humane and trauma-informed way. The DAs within the unit oversee five specialty courts and the early assessment of those arrested.

High-risk offenders will be kept in custody, while those who need alternatives to incarceration receive opportunities for rehabilitation.

Unit attorneys appear at first advisement and seek pretrial release in appropriate cases. The Denver jail population has decreased significantly in the last two years partly as a result of the DAs presence in the early stages of bond setting.
Members of this unit:

- Screen and prosecute felony drug possession and alcohol and drug-related traffic offenders eligible for participation in Denver District Court's Drug Court and specialty courts.
- Respond to all Denver traffic fatalities that may ultimately result in a criminal filing.
- Represent the office at first and second advisements which are the first two court appearances for offenders arrested for and later charged with felony offenses.
- Participate in efforts to reduce the jail population of offenders with mental health and substance abuse issues.
Understanding the special needs and challenges of Veterans (mental health, homelessness, lack of transportation, PTSD, education and employment among other issues) is key to the success of this specialty court. Veterans receive intensive outpatient substance abuse and/or mental health treatment services and counseling through the VA or other local treatment providers contracted through probation. Veterans are required to participate in treatment services to be assessed through an accredited treatment provider. In 2018 a total of 168 veterans were served with 43 program graduates.
SPECIALTY COURTS

RESTART COURT

Designed to break the cycle of addiction to drugs and alcohol, driving while under the influence and other related criminal behavior. RESTART (Recognizing and Establishing Smart Treatment Alternatives for Recovery and Transition) provides intensive treatment and supervision. The program is voluntary based on accepting a plea agreement and acceptance into the program. Persons who have three prior convictions nationwide of a DUI, DUI Per Se, or DWAI and are charged with their fourth alcohol related driving offense are screened for program eligibility.

SOBRIETY COURT

Designed for repeat misdemeanor DUI offenders who need a structured and intensive program and are willing to receive treatment for their addiction to avoid a lengthy jail sentence. The program focuses on providing an efficient, judicially supervised, accountable and systematic process to address addiction, offender success and recovery. The program is voluntary and eligibility is based on legal and clinical screening. There are five phases to the program which last approximately 14-24 months.
Serves offenders charged with felony-level crimes who have a demonstrated need for substance use treatment. The program integrates treatment, probation supervision and judicial oversight to promote community safety and individual responsibility. Participants promptly enter the program after they are determined eligible, ideally within less than 30 days following the initial arrest. Successful participants graduate from these courts by completing ongoing treatment, adhering to individualized goals and attending frequent court appearances. There were 3,675 narcotic cases filed in 2018, 868 of these were assigned to Drug Court.

**2018 Major Narcotic by Type**

*Some cases have co-occurring drug charges.*

- Cocaine, 980
- Methamphetamine, 1,971
- Heroin, 842
- Marijuana, 300
- Fentanyl, 12
Members of the unit handle appeals in the Colorado Court of Appeals and the Colorado Supreme Court, provide legal research and assistance to trial deputies, handle extradition requests, review requests for documents under Colorado's open records laws, assist law enforcement with investigative matters, handle post-conviction motions and provide training on legal issues affecting law enforcement and/or trial deputies.

<table>
<thead>
<tr>
<th>Appeals</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>County Court to District Court</td>
<td>33</td>
<td>58</td>
<td>54</td>
</tr>
<tr>
<td>District Court to Court of Appeals</td>
<td>12</td>
<td>13</td>
<td>5</td>
</tr>
<tr>
<td>Colorado Supreme Court</td>
<td>8</td>
<td>8</td>
<td>5</td>
</tr>
<tr>
<td>Motor Vehicle</td>
<td>15</td>
<td>14</td>
<td>21</td>
</tr>
<tr>
<td>Colorado Attorney General appeals (monitor &amp; advise only)</td>
<td>153</td>
<td>137</td>
<td>123</td>
</tr>
<tr>
<td>Responses to post-conviction motions</td>
<td>11</td>
<td>16</td>
<td>9</td>
</tr>
<tr>
<td>Motion responses &amp; other trial court actions</td>
<td>9</td>
<td>8</td>
<td>6</td>
</tr>
</tbody>
</table>
Evaluates the vast majority of cases submitted to the office for court filing. Some units have their own intake process. The office has an ethical obligation to only file cases for which there is sufficient evidence that a jury will convict beyond a reasonable doubt.
In an effort to improve our society and reduce the strain on the criminal justice system, diversion programs have become a tool that is increasing in popularity. Diversion has the potential to play a critical role in helping people avoid the traditional criminal justice system. In addition to growing the Juvenile Diversion Unit for children under the age of 18, DA McCann started a pre-file Young Adult Diversion program targeted to those age 18-26.
Works with eligible juvenile offenders to intervene and divert them from the traditional court system. The goal is to reduce juvenile crime, recidivism, change juvenile offenders' behavior and attitudes and reduce costs. Services offered include diagnostic needs assessment, restitution programs, community service, job training and placement, specialized tutoring, constructive recreational activities, general counseling, counseling during a crisis situation and follow-up activities. Juveniles who commit a misdemeanor or felony are eligible for diversion regardless of ethnicity, gender, sexual orientation or socio-economic status. 117 cases were accepted in 2018.
Through work program projects, clients earn restitution dollars to pay the victim of their crime. Each year, approximately $10,000 is earmarked from a grant to cover work program stipends. Under the supervision of the diversion staff, clients work various projects throughout the year. Each client earns a stipend per project. 100% of the proceeds go directly to victims of crime. This year there were 122 participants involved in 39 projects resulting in restitution of $13,282 to their victims.
Launched in May 2018, DA McCann started an innovative Young Adult Diversion program, a pre-file program. If the offender completes diversion, his or her case is never filed and the individual will not have a criminal record. The program accepts offenders of nonviolent crimes and who are between 18-26 years old.

Since the launch of the program, 79 clients were accepted into the program. Charges included: felony drug possession, theft, criminal mischief, burglary and forgery. As of the end of September 2019, 33 clients had successfully completed the program. Only one person has reoffended, a 3% recidivism rate. Restitution in the amount of $11,468 has been paid to crime victims.
Prosecution is only one facet of the work in our office. The special project team develops interagency protocols and collaborates with the Denver Police Department, nongovernmental and Denver city agencies among others and seeks grants to fund the development of innovative programs to address criminal behavior. The team also works to support victims of crime and provide witness protection when necessary.
Housed and supported by the DA’s office, this is a collaborative network which works to ensure the seamless integration of services for victims of crime, helps educate the community about victim issues and develops public policy advocacy. Network participants include leaders from law enforcement, criminal justice and victim-service agencies.

Housed and supported within the Human Trafficking Unit, this is a collaborative network that works to create a victim-centered, multi-disciplinary response to human trafficking in Denver through victim services, collaborative investigation and prosecution, education, awareness and public policy advocacy. DATA participants include law enforcement, children’s advocacy organizations, government service agencies, victim assistance organizations, private therapists, faith-based organizations and others involved in combating human trafficking.
SPECIAL PROJECTS UNIT

Established by state law this program generates funds in each of the state's 22 judicial districts to provide programs and services for crime victims and to assist law enforcement. VALE is funded from fines paid by offenders and is administered by that jurisdiction's DA's Office and governed by a board appointed by the Chief Judge of the District Court. Denver VALE has been instrumental in the start-up of more than 20 victim assistance programs.

COMMUNITY OUTREACH

Works to maintain and promote two-way communication between Denver residents and the office. Speakers present to registered neighborhood associations, faith-based organizations, schools and other organizations to provide advice and information on protection against fraud, scams and identity theft and update the community about the office.

WITNESS PROTECTION PROGRAM

Provides assistance in response to threats to victims and witnesses in criminal cases, combats intimidation through tactical witness protection strategies and offers victim/witness assistance services.

VICTIM ASSISTANCE & LAW ENFORCEMENT (VALE)
Taught by volunteer DAs and office staff, the curriculum incorporates mock trials to teach Denver Public School 5th graders about the criminal justice process to help young people develop sound decision-making skills and understand their role as good citizens.

A multidisciplinary group of victim-service providers, medical professionals, prosecutors and campus representatives working to improve response to sexual assault. The group ensures that victims are supported with consistency across all disciplines. The group supports best practices surrounding investigations, prosecutions and post-conviction efforts to hold sexual offenders accountable. The Denver DA’s Office is one of four founding agencies of the program.
Cases involving domestic violence and sexual assaults are extremely complex. The oversight provided by these specialists ensures consistency and expertise in determining whether to file a case and what type of charges to file in cases referred to the office by the Denver Police Department.
SPECIALISTS

DOMESTIC VIOLENCE
Responsible for intake, review of search warrants and assisting with triage and functions as the primary liaison between the Denver Police domestic violence detectives and the office. In addition, the DA conducts trainings for the office, Denver Police and community agencies and represents the office in various community meetings. This specialist is housed at the Rose Andom Center which provides support and services for victims of domestic violence.

BIAS & HATE
Files and prosecutes hate and bias motivated crimes. These experts work closely with the Denver Police Department to determine when these enhanced charges can be filed.

SEX ASSAULT
Reviews cases referred by the Denver Police Department and oversees prosecutions involving sexual assaults, including college campus sexual assaults, date rapes, and sexual assaults on the elderly or disabled. The oversight is intended to ensure consistency and expertise in determining whether to file a case and what type of charges to be filed.
Manages the operational and financial functions of the office, including policy development and direction, establishment of agency goals and objectives, media relations and public information, grants, information technology and services and police liaison duties.

The Denver DA’s budget for 2018 was $25,429,270 a 5.4% increase over the 2017 budget. The 2018 budget included funding for four new deputy district attorney positions, a legal secretary, two new restitution clerks, an IT systems analyst and a new statistical researcher position.

A robust grant program funds 14 positions and programs within the office for a total of $3,137,770.
Administers funds from criminally-obtained assets and handles the requests for the use of those funds by law enforcement. By statute, assets confiscated as a result of criminal activity can be used for law enforcement equipment and training.
Serves eligible victims of crime. The purpose of the program is to defray some of the costs victims incur as the result of a crime. In practice, the staff members become involved in crisis intervention, providing information and referrals to appropriate service agencies and the brokering of those services with community agencies.

In 2018, the average monthly payout was $196,627 and the total payout of CVC funds on behalf of crime victims in 2018 was $2,359,523. This represents a negligible decrease compared to the previous year.

**Dollars Spent by Category**

- Medical: $373,765
- Mental Health: $835,787
- Funeral /Burial: $526,068
- Economic Support: $556,344
The Denver Grand Jury is established by statute. There are two panels of 12 grand jurors that meet every other week to take testimony, consider evidence and determine if indictments should be brought.

Typically, the Grand Jury investigates complex cases involving many witnesses and extensive testimony. The Grand Jury is also used in cases in which there are uncooperative witnesses. The Grand Jury considered 12 cases in 2018 resulting in nine indictments.
At the end of 2018, The Denver District Attorney’s Office welcomed our new facility dog to work with survivors of crime particularly child victims of sexual assault.

Our most popular staff member:

Rylan
APPENDIX
How Adult Criminal Cases Work

Misdemeanor cases are filed and tried in Denver County Court.

Most felony cases begin in County Court but are tried in Denver District Court.

In some instances, instead of being considered first in County Court, the most serious felony charges are filed directly in District Court, or as the result of a Grand Jury indictment.

If misdemeanor and felony charges are both included in a case, and the case is bound over or direct-filed into District Court, all the charges are tried in District Court.

Crime

The criminal process begins with the crime, a violation of a criminal law, and the subsequent investigation or arrest of someone for that crime. It is the responsibility of local law enforcement to investigate crimes and arrest suspects.

Arrest

Arrest is the taking into custody of a person in order to detain him or her to answer for a criminal charge. A police officer may arrest a person if the officer has an arrest warrant, or if the person committed a crime in the officer’s presence, or the officer has probable cause to believe that the person has committed a crime. A person who has been arrested is taken to the Denver City Jail (the Van Cise-Simonet Downtown Detention Center), where they are booked into the criminal legal system.
Charging Decision

Charges are legal allegations that a suspect has committed a specific criminal offense as defined by state law. Criminal charges are filed against a defendant on behalf of The People of the State of Colorado, not on behalf of a specific person and the alleged criminal acts are considered offenses against the peace and dignity of the People of the State of Colorado, not offenses against specific persons.

The decision whether to file and prosecute criminal charges and what those charges should be, is the responsibility of the District Attorney, in accordance with the Colorado Constitution and state laws. This decision-making process is guided by legal and ethical standards which require a reasonable belief that the charge or charges can be proved to a unanimous jury beyond a reasonable doubt, after considering reasonable defenses. The law requires the lower probable cause level of proof to make an arrest, but requires the higher proof beyond a reasonable doubt level of proof to file a formal charge.

Charges

There are two ways to file charges to start a criminal case:

No Arrest-A police officer serves someone with a misdemeanor Summons and Complaint listing the criminal charges, which the officer files directly with the Court. The first appearance of the defendant in court will be Arraignment. The court date to appear is listed on the Summons and Complaint.

Arrest-A person can be arrested for a misdemeanor or felony crime.

In misdemeanor cases, a police officer arrests the person and serves them with a Summons and Complaint listing the criminal charges. In felony cases, the police can arrest a person on an investigatory hold and write a report summarizing the events leading up to the arrest, and send their report and investigation to the District Attorney’s Office for consideration of filing of charges. The District Attorney’s Office then decides whether to file criminal charges, and what those charges should be. The charges filed by the District Attorney are listed in a written statement filed with a court, called a Complaint and Information, Complaint, or Information.
Advisement/County Court
If a person is arrested for a misdemeanor or felony, the defendant will appear for Advisement in the County Courtrooms at the city jail (Van Cise-Simonet Downtown Detention Center).

1st Advisement—is the first time an arrested person is brought to court and takes place very soon after an arrest. The District Attorney's Office has typically not yet filed charges. This is a short hearing in which the judge advises a suspect of the charges for which the suspect is being investigated. The judge sets bond at this time.

2nd Advisement-occurs after the District Attorney's Office files charges. During this hearing, the judge advises the defendant of the formal charges filed against them. The judge may also hear arguments to change the bond.

Arraignment-(aka Advisement) for Non-Arrest Misdemeanors/County Court
If there is no arrest and a person receives a misdemeanor Summons and Complaint, the defendant appears in court for the first time for Arraignment (not to be confused with Arraignment in felony cases). At Arraignment, the judge informs the defendant of: their charges, constitutional rights, possible penalties if convicted and their right to apply for a public defender, if eligible.

Plea and Setting/County Court
In misdemeanor cases, this is a hearing in County Court after Arraignment at which a defendant pleads guilty or not guilty and the judge schedules further proceedings.

Disposition Hearing/County Court
After charges are filed, and a defendant has pleaded not guilty, a disposition hearing is typically scheduled at which the judge and lawyers may talk about how the case can be resolved without going to trial, and at which the defendant may change their plea to guilty or no contest through a plea agreement.
**Preliminary Hearing/County Court**
With some felony charges, the next court date after advisement may be a preliminary hearing. With few exceptions, only persons charged with a class 1, 2, or 3 felony, or who are in jail on a class 4, 5, or 6 felony, are entitled to this hearing. The defendant may waive a preliminary hearing.

At the preliminary hearing, the prosecutor is required to present sufficient evidence to prove that it is more likely than not that the defendant committed the charged crime, allowing the case to move forward in the criminal justice process. If the judge determines sufficient evidence exists, the felony case will be bound over to District Court for arraignment.

Felony preliminary and disposition hearings are often combined into one hearing when scheduled in County Court.

**Direct File Cases and Grand Jury Indictments**
If a case is filed directly in District Court, or by Grand Jury indictment, the County Court series of hearings are bypassed and the defendant will have advisement, arraignment, preliminary and disposition hearings in District Court.

**Arraignment for Felonies/District Court**
If a felony case is bound over from County Court, the first hearing in District Court is arraignment. At arraignment, the judge again informs the defendant of: the charges, his or her constitutional rights, the possible penalties and the right to a public defender, if eligible. Also at arraignment, the defendant enters a plea of guilty or not guilty, or enters a guilty plea to an agreed upon plea bargain.
**Disposition & Motion Hearings/District Court**

While disposition hearings for many felony cases are held (often in conjunction with the preliminary hearing) in County Court after charges are filed, a disposition hearing can also be scheduled in District Court after arraignment. Motion hearings, at which a court will hear arguments on oral or written requests for a ruling on a particular legal point or issue related to the criminal case, are also scheduled prior to trial.

**Trial**

If the defendant pleads not guilty and the case is not otherwise resolved by dismissal, guilty plea, or plea bargain, the next step is a jury trial or trial to the court (bench trial). A defendant has the right to demand a jury trial. A trial may result in a conviction by the judge or jury on the original charges, only a portion of the charges, or on any lesser included offense. If the defendant is found not guilty (acquitted) the case is dismissed and the defendant is free. A finding of not guilty is not the same as a finding of innocence. It simply means that the judge or jury was not convinced that the defendant was guilty beyond a reasonable doubt. If a jury is unable to reach a verdict (called a hung jury) and a mistrial is declared by the judge, the case may or may not be re-tried.

**Sentencing**

If a defendant is convicted, the next step is sentencing. Sentencing can occur immediately but is usually scheduled for another date several weeks later. It is a judge's responsibility to sentence the defendant. Requiring the defendant to return for sentencing at a later date allows the judge to gather additional information through a Pre-Sentencing Investigation (PSI) before the sentencing decision is made. Crime victims and their family members may speak at the sentencing hearing.