



ARRAIGNMENT

Description

An arraignment is a court hearing when the judge hears about the charges against the accused person (the defendant) and makes a decision about what the defendant must do in order to stay out of jail until the trial is over. Few defendants must stay in jail before the trial.

The Process

The arraignment hearing takes place at the District Court. At the hearing, the judge looks at the information that the police have learned about the crime. The judge will ask the defendant how he or she pleads to the charge and the defendant will almost always say "not guilty". The judge will most likely only listen to what the prosecuting and defense attorneys have to say about putting the defendant in jail before the trial. The judge also listens to what the attorneys have to say about the conditions that they would like the judge to order.

The judge can decide to keep the defendant in jail. The judge can also let the defendant stay out of jail until trial if she or he follows any number of conditions (such as bail, reporting to the police department, having no contact with a victim, etc.). The reason for bail and many of the other conditions of release is to be sure the defendant shows up for trial, not necessarily whether the defendant is guilty or not.

A defendant will almost always say that he or she is not guilty. A plea of not guilty will not have an effect on what the judge or the prosecutor think about the case; it is just a precaution that the defense attorney will almost always suggest to the defendant.

Your Rights

Vermont only gives victims of "listed crimes" rights at the arraignment. Even so, most prosecuting attorneys will probably tell the judge your concerns about the defendant's release. If you have any concerns about the defendant's release (for example, the defendant may live very close to you and you would be concerned that the defendant might harass you), you should tell your attorney or your Victim Advocate as soon as possible.

If the defendant was charged with a "listed crime," Vermont law gives you the right to attend the arraignment hearing and have the prosecuting attorney tell the judge what you think about the defendant's release. Your Victim Advocate can tell you whether the crime is a listed crime.

What Happens Next

Usually, the judge will set up the deadlines for the attorneys to be ready for trial. The judge may also set up the next hearing, which is usually a meeting to see how close the attorneys are to being ready for trial (a status conference).

After the arraignment, discovery begins. One of the things that happens during discovery is the deposition of witnesses. If the crime is a felony, you will probably be asked to appear at a deposition.

Courtesy of:
