Criminal Case Standard Flow Chart

Defendant

- You have been charged with a misdemeanor or gross misdemeanor charge by the Kennewick Police Department or the Kennewick City Attorney's Office.

Arraignment

- You have an inital court date to appear on your charge. At this court date you will be allowed to: consult with a defense attorney about your rights, receive an offer from the prosecution, apply for court appointed counsel.
- You will be required to plead guilty or not guilty to the charge(s).
- If you choose to plead guilty the judge may sentence you immediately. Sentencing and offers are based on previous criminal history and the limited facts of the case prosecution has at Arraignment. Penalties may include jail time, fines, court costs, treatment programs/classes, and restitution. If you choose to plead not guilty you will receive a Pre-Trial Hearing requiring future court appearances.

Representation

- If you plead not guilty you will have a Pre-Trial Hearing date. During the time between your Arraignment and your next court hearing it is recommended that you: consult with your court-appointed attorney (if you were granted one) or retain a private attorney to represent you, or choose to represent yourself (referred to as pro se.)
- Considerations: If you proceed Pro Se, the prosecuting authority will not be able to speak to you directly about the facts of your case. The attorney will provide you a plea offer for your consideration. You will be expected to comply with all Local, State, and Federal Court Rules while representing yourself in court.
- Considerations: If you are represented by an attorney, the prosecuting authority cannot speak to you at all. All communication, offers, and negotiations shoudl be directed through your attorney.

Pre-Trial

- ****Reports arrive at the City Attorney's Office and a Prosecutor is assigned to the case.****
- At a Pre-Trial Hearing one of three outcomes will occur: A continuance by one of the parties for further investigation or negotiation, accept the prosecuting authority's plea offer (or some other disposition of the case), or set the case for a motion or trial hearing.
- Continuances could result in multiple Pre-Trial Hearings being held.

Trial

- Every defendant has the Constitutional right to trial. There are two types of trials: Jury Trial and Bench Trial. A jury trial is held in front of a panel of six citizen jurors who will decide on the innocence of the defendant. A bench trial is held solely in front of a judge who will decide on the innocence of the defendant.
- At a trial, the prosecution and defense will both be given the opportunity to present their side of the case. They may present relevant evidence, call witnesses to testify, and cross-examine the other party's witnesses. The burden of proof is on the prosecution to prove beyond a reasonable doubt that the defendant is guilty of the crime he or she is charged with.