Criminal Case Flow Chart—Victim/Witness

Arrest or Citation

- Charges have been filed against a person now known as the defendant. You are listed as a victim or a witness to the crime charged. Most likely police have made contact with you and/or you have provided a statement in regards to this incident. You may be listed as a witness if you are simply the owner of damaged property or called the police at the request of someone else.

Arraignment

- The defendant will be required to appear in front of the court for the first time at his or her Arraignment. If the defendant was arrested at the scene of an offense they will most likely appear in-custody before a judge the next court business day. If the defendant was issued a citation and not booked into jail they may be allowed to appear out-of-custody at a later date. At the arraignment hearing the defendant will plead guilty or not guilty. If the defendant pleads not guilty, a new court date will be issued and an attorney may be assigned or retained. The case will then be sent to the Kennewick City Attorney's Office. If the defendant pleads guilty the defendant may be sentenced by the judge right away.

Pre-Trial

- ****Reports arrive at the City Attorney's Office and a Prosecutor is assigned to the case.****
- A Pre-Trial Hearing is set if the defendant pleads not guilty at arraignment. A victim letter will be sent to all victims listed in the police report to inform them of pertinent information.
- 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.
- Continuances could result in multiple Pre-Trial Hearings being held.

Investigation Period

- As a victim, you will have received a Victim Impact Request and/or a Restitution Request forms. It is helpful if you complete these forms and return them to our office as soon as possible. You are not required to return these forms.
- It is standard for the defense attorney in a criminal case to request a interview of any witness party to the crime. If one is requested , the City Attorney's Office will attempt contact with you to schedule an interview. You are not required to comply--however an interview is helpful to both parties in attempting to resolve the case prior to a trial.

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.
- Victims and witnesses will receive a subpoena in the mail and attempted by personal service to appear in court to testify. **Their appearance is mandatory by court order.** If they choose not to appear after being served, the court may order a Material Witness Warrant to be issued. The police will seek out the missing witness and may hold them in-custody until a trial date is held.