

Outline For Criminal Bench Trial For Self Represented Litigants

THIS OUTLINE IS NOT LEGAL ADVICE. IT IS SIMPLY A ROAD MAP FOR HOW THE COURT CONDUCTS CRIMINAL BENCH TRIALS.

1. The district attorney identifies the case for the record.
2. The judge addresses any pretrial matters: clothing order if defendant is in custody, motions, exclusion of witnesses, number of witnesses, length of trial, and scheduling issues.
3. Opening statement: Each party outlines what evidence will be presented. The State goes first, then defendant.
4. State's case: The State has the burden to prove the defendant's guilt beyond a reasonable doubt. Evidence may include witnesses, documents, or other physical objects. Each witness takes the stand and is sworn in. The district attorney questions first (direct examination), then defendant questions (cross examination), and then the district attorney questions (redirect). The examination of a witness is not an opportunity to argue or make statements; it is an opportunity to ask questions of the witness. Objections should be simple statements, and based on the rules of evidence.
5. Defense case: Defendant is presumed innocent unless and until the State proves the defendant's guilt beyond a reasonable doubt, and defendant does not have any obligation to present any evidence. Defendant has a right not to testify. The decision not to testify cannot be considered by the court in deciding the case. If defendant chooses to present any evidence, this is the time to do so. The judge follows the same procedure as in the State's case.
6. State's rebuttal: The State may present rebuttal testimony or other evidence.
7. Closing argument: Both sides argue why the facts and law support their position. The district attorney goes first, then defendant, and then the district attorney offers rebuttal argument.
8. The judge renders his decision or takes the case under advisement. If the judge finds the defendant guilty, the judge determines when sentencing will take place.