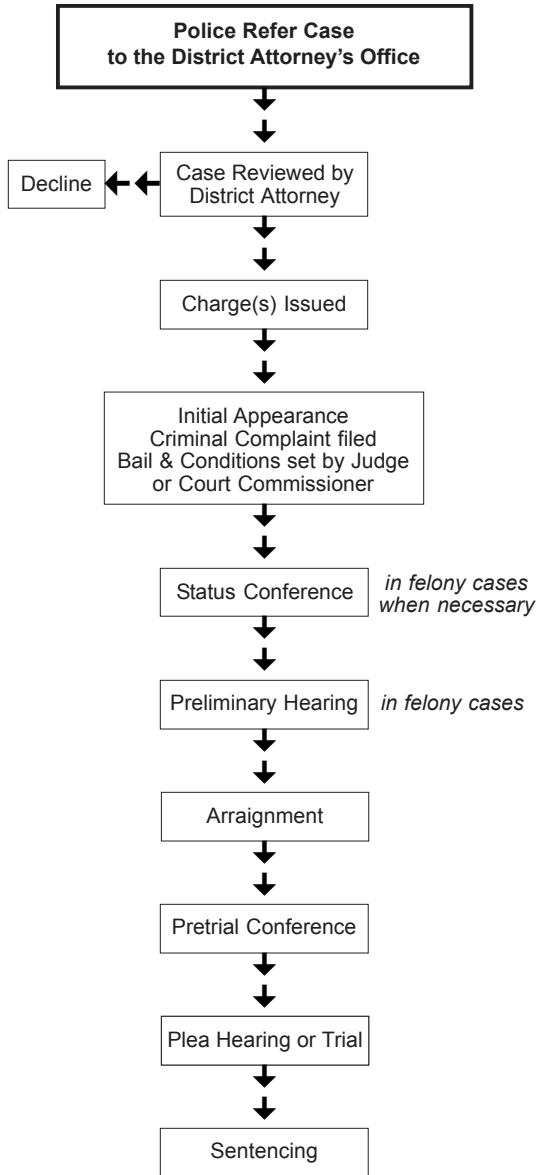


A CRIMINAL CASE



Court case information is available at
<http://wcca.wicourts.gov>

G L O S S A R Y

Arraignment – A brief court hearing at which the defendant is formally charged and the initial plea of not guilty is entered.

Criminal Complaint – A document prepared by the District Attorney's Office which lists the criminal charges and summarizes the facts in support of those charges.

Defendant – The person who is charged with a crime.

Deferred Prosecution – A program run by the District Attorney's Office which may be offered to first-time criminal offenders who voluntarily enter a guilty plea.

Decline – A case is declined when the District Attorney's Office decides that the evidence does not support the filing of criminal charges.

District Attorney – The District Attorney is an elected official who represents the State of Wisconsin in criminal cases. **Assistant District Attorneys** act on behalf of the District Attorney.

Felony – A level of crime that is potentially punishable by confinement in the state prison system for a year or more.

Information – The official charging document filed at the arraignment in a felony case.

Initial Appearance – The defendant's first appearance in a criminal case. At this hearing, the defendant will receive a copy of the criminal complaint and the judge or court commissioner will set bail and any conditions of release. Bail can either be a signature bond (no money has to be posted for release) or cash bail.

Misdemeanor – A level of crime for which the maximum punishment is a year or less in the Dane County Jail.

Motion – A request made to the judge which asks for a legal decision about an issue related to the case. A motion may be filed by the State or by the defendant before, during, or after trial.

Plea – The initial plea entered by the court for all defendants is "not guilty." The defendant may change that plea at any time to "guilty," "no contest," or "not guilty by reason of mental disease or defect."

Preliminary Hearing – Very early on in a felony case, the state must produce evidence in order to show a judge that the defendant probably committed a felony crime. The defendant may waive, or give up, his or her right to have this hearing.

Pretrial Conference – The defendant, along with his or her attorney, will meet with one of the Assistant District Attorneys to determine whether the case will be settled by plea, or whether the case will proceed to trial. If the case is settled, the plea and sentencing could occur at the pretrial conference.

Read-in – A charge may either be uncharged or dismissed at the time of plea but "read-in" for consideration by the judge at the time of sentencing. The judge can order the defendant to pay restitution for read-in offenses.

Restitution – The judge may order the defendant to reimburse the victim for out-of-pocket expenses incurred as a result of the crime.

Sentence – The defendant's punishment as determined by the judge following a finding of guilt by plea or trial.

Status Conference – A hearing to determine if the defendant has an attorney and if he or she wants to have the State produce evidence at the preliminary hearing.

Subpoena – An order that requires a victim or witness to appear in court to testify.

Trial – A hearing at which evidence is presented to a judge or jury to determine whether the defendant is guilty beyond a reasonable doubt. A defendant may be found guilty of all, some, or none of the criminal charges.

OUTCOMES OF PROSECUTION

There are a number of possible outcomes in a criminal case:

- A case may settle when the defendant voluntarily enters a plea of guilty or no contest to some or all of the charges.
- A case may go to trial, where the defendant may be found guilty or not guilty by a judge or jury.
- A case may be referred to the Deferred Prosecution Program. Successful completion of the program results in the dismissal of criminal charges.

Once the defendant is found guilty by plea or trial, he or she is convicted of a crime and will be sentenced by the judge. The judge may order any or all of the following:

- jail or prison
- probation
- alcohol/drug treatment
- aggression counseling
- community service
- restitution
- fine

VICTIM RIGHTS

Victims of crime have the following rights:

- To request notice of all hearings.
- To confer with the District Attorney's Office regarding the prosecution of the case.
- To make a statement at sentencing either in person or in writing.
- To request restitution for out-of-pocket expenses.
- To be informed of the final disposition of the case.

Victims of crime have many other rights not listed here. To obtain a complete list, contact the District Attorney's Office or refer to Chapter 950 of the Wisconsin Statutes.

To exercise these rights, victims must contact the Domestic Violence Unit or the Victim/Witness Unit.

RESTITUTION

When imposing sentence or ordering probation, the judge can order the defendant to make full or partial restitution to any victim of a crime considered at sentencing.

Restitution may include reimbursement for the following:

- The reasonable repair or replacement cost of damaged property.
- The cost of necessary medical treatment.
- Lost income.
- Funeral expenses in homicide cases.
- The cost of necessary professional psychiatric or psychological treatment.

A restitution information form is sent to each victim. This form asks the victim to itemize their losses and to send copies of any bills, receipts, or estimates that support their claim for restitution.

Once all of the restitution information has been collected, a restitution order will be submitted to the judge to sign. If the defendant objects to the order, the judge will schedule a restitution hearing. A victim may be required to attend the restitution hearing in order to establish the amount of restitution that has been requested.

CRIME VICTIM COMPENSATION

The Crime Victim Compensation Program may provide financial help for victims who suffer injury as a result of a crime. To be eligible, a victim must not have caused or contributed to the crime, and must cooperate with the investigation and prosecution of the crime. Other restrictions also apply.

To file a claim, contact:

Crime Victim Compensation Program
P.O. Box 7951
Madison, WI 53707-7951

Madison area: 608-264-9497
Toll Free: 1-800- 446-6564

The Criminal Court Process

The cooperation of victims and witnesses is very important to our criminal justice system. When you report a crime and/or testify, you make our community a safer place to live. The enclosed information explains the criminal court process.



**DANE COUNTY
DISTRICT ATTORNEY'S OFFICE
Victim/Witness Unit
Domestic Violence Unit**
DANE COUNTY COURTHOUSE
215 South Hamilton Street, Room 3000
Madison, Wisconsin 53703-3299
608/266-4211