

# The criminal trial



The Criminal Trial November 22, The Criminal Trial The process of a criminal trial begins with the selection of a jury. The jury is selected by the defense and prosecution by the means of a question and answer procedure known as "voir dire." In federal courts and most state courts, the judge is the one that does the question and answer procedure, though the attorneys help to suggest the questions to be asked.

Before the trial commences, the defense and prosecution are able to request that the court admit or omit certain pieces of evidence, especially those that have been proven to be irrelevant to the case.

When the trial begins, the prosecution and the defense make their opening statements to the jury. The purpose of these statements are to "provide an outline of the case that each side expects to prove (Bergman & Barrett, 2009)." The statements only include what the attorneys know that they can present to the jury.

The prosecutor then presents its principal case by means of direct examination of prosecution witnesses by the prosecutor themselves. At this time, the defense is allowed to cross-examine the prosecution witnesses; the prosecution is then allowed to re-examine its witnesses. After this procedure, the prosecution is done with presenting their case.

The defense is then given the chance to dismiss the charges if they feel that the prosecution failed at providing enough relevant evidence to support a guilty verdict for the person being charged. The judge denies the motion to dismiss, an act that is rare but still seen.

It is now the defense's turn to present their case through means of direct examination of the defense witnesses. The prosecutor is given the opportunity to cross-examine the defense witnesses, followed by a re-

examination of the defense witnesses. The defense is then finished presenting their case.

In the prosecution rebuttal, the prosecutor is given the chance to offer evidence to disprove the case of the defense.

The prosecution gives its closing argument, “ summarizing the evidence as the prosecution sees it and explaining why the jury should render a guilty verdict (Neubauer, 2010).” The defense makes a similar closing argument, though they explain to the jury why they should not render a guilty verdict, or, at the very least, declare a guilty verdict on a lesser charge, known as a plea bargain. The prosecution is offered a final closing argument if they wish to argue their plausible evidence that supports a guilty verdict.

The jury is given instructions by the judge on what law to apply to the case and how they should carry out their duties. The jury deliberates and attempts to reach a verdict; in most cases, a unanimous agreement is required for conviction, though some allow majority rule. If the jury reaches a guilty verdict, the defense is given the opportunity to make post-trial motions that involve requesting that the judge overrides the decision of the jury and either grants a completely new trial or else acquits the defendant. However, this is normally denied by the judge.

Sentencing is then undergone, a process during which the judge determines the punishment of the defendant, usually in the amount of jail time. The sentencing can be done at that time or can be postponed to a later day as set down by the judge.

## References

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