

Your Day In Court
A Brief Trial Outline For Defendants

**West Jordan Justice Court
8040 S. Redwood Rd.
West Jordan, Utah 84088
(801) 256-2290**

Introduction

Everyone is entitled to their day in court. The following information is to give you a general overview of trial procedures, however does not cover the rules of evidence nor offer legal advice. You must consult your own attorney for legal advice.

A trial is the time for each side in a court case to present their own explanation. The Utah Rules of Criminal Procedure or the Utah Rules of Civil Procedure control the order in which the parties speak. The Utah Rules of Evidence describe what the parties may say or introduce into evidence at the trial.

Trial Preparation

You should make copies of documents, charts or photographs well before the trial. The court will issue an order, a subpoena, to require witnesses to help you explain your case. Request subpoenas from the court clerk at least two weeks before your trial.

Trial Overview

There are basically three parts to the trial: [1] an introduction, [2] the presentation of evidence and [3] the closing statement. The introduction and the closing statement are not evidence. They are brief statements about how each side views the evidence. The main part of the trial involves presentation of evidence.

The prosecution speaks first because they are required to prove the case beyond a reasonable doubt. Then you, as the defendant, have an opportunity to speak or present evidence.

Opening Statement

During the introduction or opening statement, each side may take one or two minutes to outline evidence they intend to present. The parties often skip this step. If the evidence is from only a few witnesses, it may not need an introductory statement. An opening statement is a brief overview. It is not a narrative of testimony to be given nor statements to be made under oath.

Prosecutor's Case

The city attorney will call witnesses, some of whom may be police officers. The city attorney will question the witnesses concerning the facts in the case. After the city attorney has finished questioning a particular witness, you, as the defendant, then have a right to cross-examine the witness. Cross-examination means asking questions concerning the facts to which the witness has testified or about what happened at the time of the alleged crime.

This is not the time for you to testify. The cross-examination questions should be about the witness's recollection of facts. Each witness is treated in this fashion.

After cross-examination is completed, the city attorney will have the opportunity to conduct a redirect examination. Redirect examination means the city attorney may ask additional questions about the witness's answers during cross-examination. When the city attorney finishes calling witnesses, the prosecution will rest or end its case.

Defendant's Case

If you decide to present evidence, you may testify under oath. It is not and cannot be required that you testify. If you choose to testify, the prosecution has the right to cross-examine you. You may also present other witnesses at this time. The prosecution may also cross-examine these witnesses.

Testimony should be restricted to facts about the charges against you. At the conclusion of your case, the city attorney will have an opportunity to call witnesses in an attempt to refute your testimony or your witnesses' testimony. If the prosecution calls rebuttal witnesses, the court will allow you to call witnesses to refute that testimony.

Evidence

The prosecution has the burden of proof or the responsibility to prove its case beyond a reasonable doubt. Therefore, the

prosecution must present evidence at the trial. Because you entered a not guilty plea, you are presumed innocent. As the defendant, you are not required to present evidence at the trial because of the presumption of innocence.

Photographs and some written documents may be used as evidence. The court clerk should number each item of evidence before the trial starts. Please arrive at court about fifteen minutes early so the clerk will have time to mark the evidence. You should bring the original evidence to be numbered and submitted to the court.

When possible, you should bring the original evidence and two copies. The clerk will mark the original evidence for the court. The prosecution will use one copy and you will use the third copy. The Rules of Evidence generally do not allow notarized and other written statements to be used as evidence. Since the person who wrote the statement is not in court, they cannot be cross examined.

Hearsay evidence is usually inadmissible. Hearsay is testifying about what another person said or told you. Hearsay is considered unreliable because it is secondhand or retold information.

Conclusion of the Trial

After all the evidence has been presented, each side has an opportunity to summarize the case in their closing statement. This statement is limited to about five minutes. This is a time to review the evidence introduced during the trial. It is not a time to introduce new evidence. The closing statement is an opportunity to explain your view of the case and evidence already presented. The prosecution speaks first, followed by you as the defendant. The prosecution has an additional opportunity to speak after you finish, because the prosecution has the burden of proof. Each side has the same total time. The prosecution just has an opportunity to split its time between two speeches. After the closing statements, the court will decide the case.

Continuance Policy

The parties must make all requests for a continuance or postponement of the trial in writing at least ten days before trial. You must give a written copy of your request to the city attorney. After reviewing your request, the court may grant a continuance if there is a valid reason.

Do not assume the court has granted your request. You must check back with the Court. No requests for continuance by telephone will be considered. No requests for continuance will be granted later than three business days before the trial.

Final Notes

A trial is a formal court hearing. Be prepared. Be polite to all. Dress properly. It is not appropriate to bring young children to the trial.