

States Attorney's Frequently Asked Questions

I am the victim of a crime. Should I report the crime to the State's Attorney's Office?

No. The State's Attorney prosecutes, but does not investigate, crimes. Crimes which were committed in rural Barnes County should be reported to the Barnes County Sheriff's Department at (701) 845-8530. Crimes which were committed in the City of Valley City should be reported to the Valley City Police Department at (701) 845-3110.

The defendant has been charged with a criminal offense. What will happen next?

Generally, when a defendant is charged in a criminal complaint with a crime, the defendant is arrested. A short time thereafter, an initial appearance is held before a Judge. At the initial appearance bond will be set. Often there is no cash bond, instead the court determines that the defendant is likely to appear at future court hearings and that the defendant is not a threat to the public, and therefore, releases the defendant on his or her personal recognizance and a promise to appear at future court dates. Additionally, the defendant may be ordered to avoid any contact with a victim or witness.

In a felony case, the next step is the preliminary hearing. At a preliminary hearing, the State must prove that it is more probable than not that a crime was committed and that the defendant committed it. The arresting officer or the victim will be subpoenaed to testify. If the Judge finds probable cause, the defendant is arraigned. At that time, the felony defendant pleads guilty or not guilty.

The next step in both felony and misdemeanor cases is a trial. The defendant has a right to trial by jury, and therefore, the case will be scheduled for a jury trial, unless the defendant agrees to a trial by the judge. In either event, witnesses will be subpoenaed, including the arresting officer and any victim.

If the defendant is found guilty, or pleads guilty, the Court will hold a sentencing hearing. The sentencing may be held immediately after the guilty verdict, or may be scheduled for a later date. If restitution is owed to a victim, the court may set a separate restitution hearing to determine the amount owed.

A deputy sheriff has given me a subpoena to testify in Court. What should I do?

Follow the directions on the subpoena. It will indicate where and when you are to appear, and if there are any documents you must bring. It will also indicate whether it was issued on behalf of the State or the defendant. If you have any questions about it, you should contact the party on whose behalf it was issued.

I am the victim of a crime or a witness to a crime. What should I do before the trial?

Your cooperation with the State's Attorney's Office and the law enforcement agencies is very important. You will be told by the State's Attorney's Office of any particular things you should do

before the trial, and of the date and time of any hearing at which your testimony will be needed. If your address or phone number changes, let the State's Attorney's Office know as soon as possible.

I am the victim of a crime, or a witness to a crime. The defendant keeps contacting me. What can I do?

Please report any contact to the State's Attorney's office. If the contact involves any type of threat or physical violence, you should also contact the Valley City Police Department (if the contact has occurred in Valley City), or the Barnes County Sheriff's Department (if the contact took place in rural Barnes County).

Will I have to testify in the case?

Generally, victims and witnesses are not required to testify at preliminary-type hearings; they usually will testify, if at all, at the trial. However, many cases do not go to trial; they are often settled through plea negotiations. In which cases, no testimony is needed. Sometimes, if the victim wishes to do so, the victim will make a statement at a sentencing hearing. The victim may also be asked to testify at a restitution hearing. A restitution hearing is a court hearing in which evidence is presented as to the damages (losses) suffered by the victim as a result of the crime committed by the defendant. After evidence is presented the Court will determine the amount of restitution which the defendant will be ordered to pay.

What happens at a trial?

Depending on the parties' requests, the trial may be held before a jury of six people (for B Misdemeanors) or twelve (for Felonies and A Misdemeanors), or the trial may be held before a judge alone, called a "bench trial." In a jury trial, the jury is selected and given preliminary instructions from the judge. In either a jury or a bench trial, the State then presents an opening statement regarding what it expects to prove during the trial. The defense is then permitted to make its opening statement, or it may wait until the State's case is concluded. The State then presents its case through the testimony of witnesses and the use of exhibits. When the State's case is concluded, the defendant's attorney may make an opening statement if he or she has not already done so. The defense may then present its case. However, it is not required to prove anything, and the defendant is not required to testify; it is the State's burden to prove the case beyond a reasonable doubt. After the defense rests, both sides make closing arguments. The judge or jury then deliberates, and makes a determination of whether the defendant is guilty or not guilty. If it is a jury trial, all jurors must agree on the verdict.