

## 1. What are Protection Orders?

A Protection Order is granted by a Judge and orders the defendant to stay away from you. The defendant should not enter your home or approach you at your place of work or school. If the defendant violates the protection order, a new charge could be filed and the defendant could be arrested again.

Although the Judge may grant the Protection Order it does not guarantee your safety. It is important for you to be very careful and take steps to ensure your safety as much as possible. (See **Safety Hints** on pages 16 and 18.)

The law (2919.27 and 3113.31 Ohio Revised Code) states that protection orders issued anywhere in the State of Ohio are enforceable throughout the state -- if they are current and still valid. Comparable protection orders issued in other states may also be valid in Ohio.

## 2. Are all Protection Orders the same?

No. There are three different kinds of protection orders. Criminal court may issue a Temporary Protection Order (TPO) or an Anti-Stalking Protection Order (SPO) depending on the type of charge and your relationship to the defendant. Civil (domestic) court only issues Civil Protection Orders (CPO).

## 3. What is the difference between civil and criminal orders?

Domestic Relations Court has the responsibility of terminating marriages, determining custody of children and providing for a fair division of marital property. The court also has the responsibility of providing protection to victims of domestic violence.

A petition for a Civil Protection Order (CPO) can be filed with the Domestic Relations Court. You may want to contact your own attorney, or Legal Aid (224-8374) to see if you qualify for a CIVIL PROTECTION ORDER. **You do not have to be getting a divorce to ask for a CPO.**

The CPO (Civil Protection Order) may include the following orders:

- (a) Direct the abuser to stop the abuse;
- (b) Grant possession of the residence or household to you and/or other family member, to the exclusion of the abuser; evict the abuser; or order the abuser to vacate the premises, or (if the abuser has the duty to support you) order the abuser to provide suitable, alternative housing;
- (c) Award temporary custody and establish temporary custody orders with regard to minor children (if no other court has determined custody and visitation rights);
- (d) Require the abuser to maintain support if the abuser customarily provides for or contributes to the support of the family or household, or if the abuser has a duty to support under the law;
- (e) Require counseling;
- (f) Require the abuser to refrain from entering the residence, school, business, or place of employment of the victim or other family members;

- (g) Grant any other relief that the court considers fair, including, but not limited to, ordering the abuser to permit the use of a motor vehicle to the victim, and ordering a fair apportionment of household and family personal property.

**NOTE:** If you have already filed for a divorce you may have received a TEMPORARY RESTRAINING ORDER. This order is to stop the sale of property and transfer of money. **The police cannot make an arrest on this type of order.** Your attorney will need to file a Contempt of Court.

#### **4. Who can get a Criminal Protection Order?**

If you are **not** considered a household or family member according to O.R.C. 2919.25, then you may request a Protection Order if any of the following charges are filed on your behalf under State code:

**Aggravated Menacing, Menacing by Stalking, Menacing and Aggravated Trespass.**

If you **are** considered a household or family member according to O.R.C. 2919.25, then you may request a Protection Order if any of the following charges are filed on your behalf under State code:

**Domestic Violence, Felonious Assault, Aggravated Assault, Assault, Menacing by Stalking and Aggravated Trespass.**

#### **5. How do I get a Criminal Protection Order?**

- (a) A criminal charge must have been filed against the defendant,
  - (b) The crime must be one of those listed in #4 above,
  - (c) You must be the victim of the crime,
  - (d) Your relationship with the defendant must comply with the law (see #6).
- If all of the above apply and the prosecutor's office has assisted you in filing a criminal charge, then you need to:

Call the Clerk of Courts each day to determine if the defendant has been arrested, and when the defendant is scheduled to be in arraignment court (either Courtroom 4-D or 4-C).

**CLERK OF COURTS - 645-8186 or 645-8819**

If the police filed the charge, you should come to court the next court working day, Monday - Saturday. However, to save yourself a wasted trip downtown, you may want to call the Clerk's Office (645-8186 or 645-8819) just to make sure the defendant is scheduled the next day.

If the morning the defendant is scheduled in arraignment court is Monday - Friday, you need to contact the Domestic Violence Unit, Municipal Court Building, 375 South High Street on the 17th floor, who will assist you in requesting the protection order.

If the defendant is scheduled in Courtroom 4-D on a Saturday morning, just go directly to Courtroom 4-D on the 4th floor of the Municipal Court Building. A member of the Domestic Violence Unit staff will meet you in the courtroom.

**NOTE:**

- (1) **YOU DO NOT NEED TO COME TO ARRAIGNMENT COURT UNLESS YOU WANT A PROTECTION ORDER.**
- (2) **BE AT THE COURTHOUSE BY 8:30 A.M.**
- (3) **ALWAYS WEAR PROPER CLOTHES! SHORTS OR NO SHOES MAY RESULT IN YOUR BEING SENT HOME WITHOUT THE PROTECTION ORDER.**
- (4) **IF YOU MUST BRING CHILDREN, TRY TO BRING A FRIEND WITH YOU TO WATCH THE CHILDREN. SOME JUDGES DO NOT ALLOW CHILDREN IN THE COURTROOM, ESPECIALLY IF THEY CREATE A DISTURBANCE.**

**6. Who are considered family and household members?**

The following **MUST BE LIVING WITH, OR HAVE LIVED WITH, THE OFFENDER:**

- (a) Spouse
- (b) Former spouse
- (c) Persons living together as spouses or otherwise cohabiting
  - (1) Persons living as spouses must have lived with the offender within five years prior to the incident unless the victim is the natural parent of the offender's child.
- (d) Parents, children or other persons related by blood or marriage who are living or have lived with the offender.

**Persons who have a child(ren) together do not have to have lived together in order to qualify under this statute.**

**Other types of relationships not mentioned above may be covered under this statute, but they must be examined on a case by case basis.**

**Same sex relationships are covered under this statute if the parties are considered to be cohabiting.**

**7. What court should I use?**

You do not have to choose between filing a Complaint in a criminal court and filing a Petition in Domestic Relations Court. If you have been abused, you may file in either or in both courts.

**8. How long does the order last?**

The criminal protection order is good only as long as the related criminal charge is pending. If the charge is dismissed, then the order is no good.

A Civil Protection Order can last up to five years.

**9. Can I get a Criminal Protection Order any time?**

No. In order to get a Criminal Protection Order, one of the charges mentioned in #4 must be filed against the defendant. Protection orders are usually granted in Arraignment Court; however, they can be requested at any time during the criminal case.

**10. Why do I have to come to the Arraignment Court hearing?**

In order to get a Protection Order you need to be present at Arraignment Court. Typically, a hearing is held in order to establish grounds to consider granting the Protection Order. A hearing must be held allowing the Judge and the defendant's attorney a chance to hear from you what happened and why you want the protection order.

Arraignment Court is also where the Judge sets bond on the defendant and we need to know your feelings about his/her release.

**11. What will happen in Arraignment Court?**

You will probably be asked to stand in front of the Judge (a Domestic Violence Advocate will be with you), raise your right hand and swear your statements are true. The Judge, prosecutor and/or defendant's attorney may ask you questions. Answer all questions honestly, but be careful not to ramble or talk too much. The Judge wants to hear what happened to make you or the police file the charge and why you want a protection order.

Be aware that any information you give under oath can and may be used by the defendant's attorney.

**12. What is the Domestic Violence Unit and why do I have to discuss the case with them?**

The Domestic Violence Unit is a division of the City Attorney's Office, Prosecutor's Division. The advocates are there to provide you with information about the court process, answer your questions, and work as your connection to the prosecutor who will be handling your case.

Because prosecutors have so many cases, they have the staff from the Domestic Violence Unit help them. The prosecutors rely on the professionally trained, experienced Domestic Violence Advocates to provide you with support and assistance and to help them successfully prosecute your case.

**13. What is bond?**

Bond is intended to insure the defendant's return to court. If the defendant has a history of not showing up for court, or if there are previous convictions for criminal acts, or if the defendant is charged with a felony crime such as murder/rape, the Judge will probably set a high bond.

**14. What kind of bond will be set in my case?**

The Judge takes many different things into consideration when setting bond.

There are several different types of bond:

- (a) Recognizance/Unsecured Appearance Bond - allows the defendant to get out of jail on his/her signature.
- (b) Appearance Bond - the defendant must give the court 10% of the bond amount plus a court fee before being released (i.e., a \$1,500 appearance bond will require at least \$170 to get out of jail).
- (c) Cash/Surety Bond - defendant must pay the entire bond amount in cash or hire a bail bondsman.

The Judge will also take into consideration such facts as whether the defendant has a job, has been convicted of a crime of violence against a family member, or has not obeyed Protection Orders in the past; the extent of your injuries; and other information.

**15. Can the Judge include my child(ren) on the Criminal Protection Order?**

Usually the Judges will not include your child(ren) on the Protection Order unless a charge was filed on behalf of the child. Custody of children is decided by Domestic Court, not Criminal Court.

Unless ordered by a Judge, the defendant has the right to visit his/her children. As long as there is a Protection Order in effect, the defendant needs to make alternative arrangements for getting the child(ren). For example, having the child(ren) dropped off at a neutral location (relative, neighbor's home). Visitation does not give the defendant the right to enter your place of residence.

**16. If I obtain a Protection Order from the court, does that mean the defendant has been found guilty?**

No. The issuance of a Protection Order is not a finding that the defendant committed the crime (or crimes) of which he/she is accused and does not constitute evidence that can be presented at trial. The prosecution must still prove your case "beyond a reasonable doubt" at trial. You must take steps to preserve your evidence for trial. It is very important to remember any witnesses and evidence that may help us prosecute your case. Be sure and let the advocate or prosecutor know if there is additional evidence.

**17. What should I do if there is a violation of a Protection Order (criminal or civil)?**

The violation of a Protection Order is a criminal offense in addition to any criminal charges already filed by you!

If the defendant violated the Criminal Protection Order or the protective provision of the CPO in any way, call the police. DO NOT ATTEMPT TO REASON OR ARGUE WITH THE DEFENDANT. GET YOURSELF TO SAFETY. If the defendant is in your place of residence or work and refuses to leave, the police can arrest the defendant for violating the Temporary Protection Order (Section 2919.27 of the Ohio Revised Code), which would mean you would have an additional case pending against the defendant and possibly different court dates for each case. When the police arrive, show them a copy of your Protection Order. The police will want to confirm the validity of the Protection Order with their records department or the Clerk of Courts.

Ask the police to make a report regarding the Protection Order violation (even if the officer does not make an arrest). Also, write down the officer's name and badge number so that the prosecutor's office can contact the officer if it becomes necessary.

If the police do not file the Violation of a Protection Order charge, you should contact the Domestic Violence Unit. If the Domestic Violence Unit is closed, go to the Prosecutor's Office Intake department. The Domestic Violence Unit is open Monday - Friday 8:00 - 4:30; Intake is open Monday - Friday 8:30 a.m. - 11:00 p.m., Saturday 10:00 a.m. - 10:00 p.m., and Sunday 12:00 noon - 6:00 p.m.

**18. What should I do about pressure from friends, family, the defendant or defendant's attorney?**

When a criminal charge is filed, a lot of different things can happen. You may receive advice from friends and family, calls or visits from the defendant, calls from the attorney for the defendant, etc. Regardless of who you speak to, remember the prosecutor represents the state and your interest. If any person threatens or pressures you to ask for a dismissal or drop, or just not to show up, please tell the Domestic Violence Unit or the prosecutor **immediately**. Make sure when speaking with any person who identifies himself or herself as an attorney, you get their name and phone number. If anyone calls saying they are from the Prosecutor's Office, get their name.

**19. What do I do if the defendant's attorney contacts me?**

You are under no obligation to discuss this case with anyone other than a representative of the Prosecutor's Office. You may be contacted by the defendant's attorney regarding dropping charges. You may talk to the attorney, **but you do not have to**. While they may be very understanding and friendly, **they are working for the defendant**. Be careful what you say. Don't say anything you wouldn't want heard on the witness stand. Before making any decision you need to speak to the prosecutor for her/his advice regarding the outcome of the case.

**20. What should I do about telephone calls?**

If the defendant is in jail they can only make reverse charge calls unless they get an outside party with a 3-way phone service to call for them. Annoying calls from the jail should be reported to the Domestic Violence Unit.

Telephone calls made by the defendant's friends or family members to you or your family, or hang-up calls, are not considered a violation of the protection order. There may, however, be additional charges under certain circumstances. Check with the Domestic Violence Unit if you are not sure. One solution to this problem is to hang up!

**21. Will I have to come back to court?**

You may have several court appearances before the case is finally over. You will probably be subpoenaed to appear in court at least twice and possibly as many as five times. After arraignment court there is usually a pre-trial hearing scheduled. This hearing gives the prosecutor a chance to review your case, discuss it with the defendant's attorney and determine whether the case should be scheduled for trial. There may be more than one pre-trial. After all pre-trial issues are resolved, the case is usually scheduled for a jury trial or a court trial. Again, there may be more than one date scheduled. On the day of a jury or court trial, the prosecutor is only able to take one case to trial. This **must** be the oldest case. If your case is not the oldest, it may be rescheduled.

We recognize that coming back to court is inconvenient to most people. We ask your cooperation in this since we are one of the busiest courts in the country. If you are working close to downtown, we may be able to put you on call. Please check with your Domestic Violence Unit advocate or your prosecutor regarding being placed "on call".

**22. How will I know when to come back to court?**

You will receive a subpoena in the mail. It could come as soon as the same week as the arraignment or as long as a month later. If the defendant is in jail, expect to return to court in approximately 10 days or less. The subpoena will tell you the correct date, time and courtroom.

If you are concerned about receiving your mail we suggest a call to the Municipal Clerk of Courts or the Domestic Violence Unit to check on the status of your case. You will need the defendant's name and case number to get correct information.

**NOTE:** Please make sure the Domestic Violence Unit has your correct address and phone number. If you move or are staying with friends, we need that address. Make sure you can safely get your mail at the address you give us.

**23. What if I miss work?**

If you miss work pursuant to a subpoena to appear in court, the law provides that your employer cannot punish you. Specifically, no employer shall discharge, discipline or otherwise retaliate against a victim or a member of the victim's family for participation, at the prosecutor's request, in a criminal proceeding. Any employer who violates this section is in contempt of court.

Your employer, however, is not required to pay you for the time you are absent from work.

**24. What does my subpoena mean?**

If you are subpoenaed to appear in court and do not appear, the criminal charge may be dismissed. It is also possible for the judge to hold you in contempt of court and issue a warrant for your arrest. In addition, the court may hold you responsible for any court costs that have accrued in the case. It is **very important** that you come to all court hearings on time!

**25. What can happen to the defendant?**

All charges in Municipal Court are misdemeanors. Depending on the degree of misdemeanor, the maximum sentence will vary. The following are the degrees of misdemeanors and the **maximum** penalties.

<u>Classification</u>	<u>Maximum Confinement</u>	<u>Maximum Fine</u>
Misdemeanor 1 (M-1)	6 months	\$1,000
Misdemeanor 2 (M-2)	90 days	\$ 750
Misdemeanor 3 (M-3)	60 days	\$ 500
Misdemeanor 4 (M-4)	30 days	\$ 250
Minor Misdemeanor (MM)	None	\$ 100

Despite what you may hear about the defendant going to jail or losing his/her job, please remember -- Jail is only one option. **It is not the only option.** Our court has an excellent probation department who make regular referrals for drug/alcohol/domestic violence/anger management counseling.

**26. Can the court order the defendant to get counseling?**

Yes. The court is often agreeable to placing the defendant on probation and ordering him/her to attend domestic violence/drug/alcohol counseling. You need to make sure the prosecutor/Domestic Violence Unit is aware of your request for counseling. This cannot take place until the defendant has been put on probation after being found guilty. This will not happen at Arraignment Court.

**27. Can this Court order the defendant to pay bills, child support, etc.?**

No. This type of order is obtained in Domestic Relations Court (divorce court).

It is not unheard of for the defendant to have utility services in their name cut off as a means of pressuring you to drop your complaint. You can avoid this by having the utility companies place the service in your name.

**28. How do I get paid back for any damages such as furniture, hospital bills, etc.?**

Payment for damages is known as restitution. Restitution is usually handled by Small Claims Court or may be covered by the Crime Victims Compensation Fund. Ask a Domestic Violence Unit representative if you have any questions.

**29. What if I want to drop the charge?**

First of all, please be aware of the fact that you are a witness for the prosecution. Even though you may have been the person who suffered as a result of the crime, the case is "State of Ohio or City of Columbus -vs- (Name of Defendant)." The **prosecutor** is responsible for making decisions about all cases.

**THE CITY PROSECUTOR'S OFFICE DOES NOT DISMISS CHARGES SOLELY UPON YOUR REQUEST.** This doesn't mean that we don't want your input, but it does mean that either the prosecutor or judge will make the final decision about the case.

**30. What if he/she had my keys, money or property when he/she was arrested?**

The defendant cannot be made to release any possessions, including money, property, checks, keys and other belongings, without a court order directing the person (or jailer) to remove such items. Most Judges will not address the release of property since they consider it a civil matter, out of their jurisdiction.

**31. What about the defendant's property and clothes?**

Generally, the Judge will ask if the defendant has clothing at your place of residence. If so, the Judge may tell the defendant to contact the police, who will escort the defendant to your residence and wait while he/she gets clothing/personal effects. This is not an opportunity for the defendant to move furniture. Should you agree, you may want to allow a relative/friend of the defendant into your home to collect their possessions. Another alternative would be for you to pack the defendant's belongings and leave them where the defendant can collect them. Should you have any questions, check with the Domestic Violence Unit.

**32. What happens if we run into each other in a public place?**

If you and the defendant see each other in a public place, we recommend that you don't confront him/her. If the defendant doesn't leave, then you should leave with someone, or call someone to be with you.

**33. We are aware that your situation may change during the course of this case. If you resume your relationship with the defendant, if you move, change jobs or any other significant change, please let the Domestic Violence Unit know immediately.**

**IMPORTANT!**

**FOR YOUR SAFETY WE RECOMMEND THAT YOU:**

1. Have absolutely no contact with the defendant until the case is over.
2. Not go to where the defendant is staying.
3. Not let the defendant into your residence.
4. Not telephone the defendant.
5. Not try to persuade the defendant to violate the protection order.

**REMEMBER!**

**FAILURE TO APPEAR FOR COURT WHEN SUBPOENAED MAY BE PUNISHABLE BY A CONTEMPT OF COURT ACTION.**

**REMEMBER!**

**YOU MAY BE THE PERSON VIOLATED (THE VICTIM), BUT THE STATE OF OHIO'S LAWS WERE VIOLATED. THEREFORE THE PROSECUTOR IS RESPONSIBLE FOR MAKING THE DECISIONS ABOUT ALL CASES.**

**REMEMBER!**

**YOUR SAFETY IS IMPORTANT AND YOU HAVE A RIGHT TO NOT BE VIOLATED (THE VICTIM).**

## **SAFETY HINTS**

**You have the right to be safe and free from harm. Your safety is important. The most important thing for you is to protect yourself and your children.**

**You are not responsible for your partner's behavior. You cannot control or change your partner's behavior.**

**Plan now for someplace to go if your partner threatens you or makes you feel unsafe.**

The following are suggestions that may help you during this difficult time:

1. **PLACE YOUR OWN SAFETY ABOVE YOUR POSSESSIONS OR YOUR PRIDE**

If you are afraid your partner might hurt you, consider the following:

- (a) Leave and go someplace safe. **DO NOT WAIT UNTIL YOUR PARTNER HURTS YOU!**
- (b) Keep near an exit so you can get away.
- (c) Do not confront or challenge your partner if the partner is intoxicated, on drugs, or may become violent.

2. **IF YOUR PARTNER DOES HURT YOU:**

- (a) Run out the door.
- (b) Yell **HELP!! CALL THE POLICE!!**
- (c) Call the police yourself or teach your children to call the police.

- 3. Develop a safety plan. This requires some thought. Try to set aside some cash, extra clothing, extra keys for the house and vehicles, and other important documents. If you need to leave the house in a hurry, think about where you can keep these things in safety (perhaps a friend or relative's house, or neighbor's). Think about where you would go for help? How will you get there? What plans could you make for your children?
- 4. Make sure you have a copy of your TPO/SPO (Protection Order) with you at all times.
- 5. Take a copy of the TPO/SPO (Protection Order) to your neighborhood police station so they will be aware of potential problems.
- 6. Keep your doors and windows locked.
- 7. Change your door locks.
- 8. Put sturdy sticks in windows and sliding glass doors.

9. Alert neighbors to call the police if they see the defendant at your home.
10. Have someone stay with you, if possible.
11. Don't go to places where you think the defendant may be.
12. Don't go out alone.
13. Remember that witnesses are very important. Be around people whenever possible.
14. Consider changing your phone number and having it unlisted.

**If you have any questions, the Domestic Violence Unit is available Monday - Friday 8:00 - 4:30, to assist you. Call 645-6232.**

## **COLUMBUS AREA RESOURCES**

### **Legal Services**

Capital University Legal Clinic	445-8823
Columbus Bar Association	221-0754
Legal Aid Society	224-8374

### **Domestic Violence Shelters**

Choices	224-4663
Decision Center	235-4323

### **Out of Town Domestic Violence Shelters**

Athens	1-800-443-3402 / 1-614-593-3402
Circleville	1-614-477-9113
Dayton	1-513-461-4357
Dayton (YWCA Battered Women's Project)	1-513-461-5550
Lancaster	1-614-687-4423
Marion	1-800-232-6505 / 1-614-382-8988
Mt. Vernon	1-614-397-4357
Newark	1-800-686-2760 / 1-614-345-4498

### **Adult Protective Services**

462-4356

### **Hotlines**

HOPE Hotline (Addiction)	228-4673
Rape Crisis Hotline	267-7020
Choices (Domestic violence)	224-4663
NETCARE access	276-2273
Child Abuse Hotline	229-7000
Suicide Prevention Hotline	221-5445
Adult-Elderly Abuse (Adult Protective Serv.)	462-4356
Senior Suicide Hotline	294-3309
Teen Suicide	294-3300
FIRSTLINK (formerly CALLVAC)	221-2255

### **Homeless Shelters**

Faith Mission (women, children)	224-6617
Holy Rosary (women, children)	258-0807
Open Shelter (families)	461-0407
Salvation Army Family Shelter (women, children, boys under 13 years)	221-6561
Volunteers of America (families)	224-8650

### **Drug and Alcohol Counseling**

Alcoholics Anonymous	253-8501
Maryhaven	445-8131
Narcotics Anonymous	252-1700
Riverside Hospital - Wesley Health Center	566-4718
Amethyst	242-1284
Women's Outreach for Women (W.O.W.)	291-3639
Al-Anon/Alateen (adult children of alcoholics)	253-2701
Parkside Recovery Services	471-2552
House of Hope for Alcoholics, Inc. (men only)	291-4691
COMPDRUG Corp.	224-4506
W A I T	258-0100
Crittenton Family Services	251-0103
Africentric Personal Development Shop, Inc.	253-4448

### **Support Groups and Counseling**

Parents Anonymous	899-4700
Al-Anon/Alateen (adult children of alcoholics)	253-2701
Alcoholics Anonymous	253-8501
Rape Peer Support Group (Elizabeth Blackwell Center)	566-5153
Narcotics Anonymous	252-1700
Catholic Social Services	221-5891
Lutheran Social Services (Domestic violence groups)	228-5209
Choices (Domestic violence group)	224-4663
Southeast, Inc. (Domestic violence groups and mental health services)	444-0800

**Health/Medical/Dental**

Bill Brown Jones Health Center	252-0903
Columbus Health Department	645-7417
ECCO Family Health Center	253-0861
Planned Parenthood	224-2235

**Vocational/Employment**

Center for New Directions	227-5333
Eastland Career Center - Adult Education	836-3903
Franklin County Human Services Department Employment Opportunities Program	251-6300
Urban League	257-6300
Ohio State Bureau of Vocational Rehabilitation	466-9364
Orientation to Non-Traditional Occupations for Women	365-6000

**Topic-Specific Information**

FIRSTLINK Counseling	221-2255
Housing	221-2255
Food/Clothing	221-2255
Child Care	221-2255
Parenting	221-2255
Soup Kitchen	221-2255

**Other**

City Prosecutor's Office	645-7483
Domestic Violence Unit	645-6232
Clerk of Courts' Office	645-8186
Columbus Bar Association Referral Service	221-0754
Legal Aid Society	244-8374
Municipal Court Clerk's Office	645-8186
Police/Sheriff	911
Columbus Police (Non-Emergency)	645-4545
Sheriff (Non-Emergency)	462-3333

## **UNDERSTANDING THE COURT PROCESS**

### ❖ THE THREE PHASE SYSTEM ❖

#### I. ARRAIGNMENT COURT

- A. Offender enters a plea (almost always “not guilty” at this stage).
- B. Victim can get a TPO/SPO (Protection Order)
- C. Judge sets bond. Offender only needs 10% of the bond to get out of jail.

#### II. PRE-TRIAL

- A. Case is assigned to a permanent judge.
- B. Offender can plead guilty to original charge or a lesser charge and get sentenced.
- C. Prosecutor and defense attorney exchange information and evidence.

#### III. JURY TRIAL

- A. The case can go to trial where a jury decides whether the offender is guilty or not guilty of the offense after hearing all of the evidence.
- B. Offender can still plead guilty at this stage and waive his/her right to trial.
- C. The case can be continued several times (five or more times) in this stage. This occurs because the case has to be the oldest case on the Judge’s list of cases before the case can go to trial.

### **SENTENCING: The victim has the right to give the court input on sentencing.**

The offender could be sentenced to the following:

- Jail Time (maximum 6 months) or 30 days if charge was a threat only
- Fine (up to \$1,000)
- Probation with ordered counseling (domestic violence, drug, and alcohol counseling)
- STAY AWAY ORDER as a condition of probation or an order that there be no same or similar acts of violence towards the victim