

## THE STAGES OF A CRIMINAL CASE

- The Summit County Prosecutor's Office Criminal Division handles felony cases committed within Summit County. Misdemeanor cases are handled in the jurisdictional City Municipal Court. The prosecutor's office does not investigate cases, but rather receives the felony case after an investigation and arrest have been made by the police department.
- Every day, an Assistant Prosecutor from the Summit County Prosecutor's office meets with the Akron City Prosecutor's Office and several City of Akron liaison police officers to discuss the previous day's arrests. This division is known as the Direct Indictment Division. This division also handles all bindover cases coming from the Juvenile Division (ordered in Juvenile Court that the defendant be bound over to the Grand Jury as an adult for further prosecution). A Summit County Assistant Prosecutor meets with other city prosecutor's offices within Summit County during the week to go over their arrests.
- Once a case has been accepted by the indictment prosecutor, the case is then set for Grand Jury. The Grand Jury is selected by the presiding judge by the normal jury selection process. These citizens called for jury duty are registered voters of Summit County. Nine grand jurors and three alternates are selected and sit daily as the Grand Jury for two months. These two months are called Terms. When a case is presented to the Grand Jury (with nine jurors being allowed to vote), it takes at least seven votes to indict in order to proceed with an indictment. The Grand Jury can vote to either indict or not indict a case or they can remand the case back to the Municipal Court level for further prosecution as a misdemeanor. Grand Jury testimony is confidential and not public knowledge. If the Grand Jury votes to indict a case, it is then set for an arraignment.
- Arraignments are set before Magistrate Shoemaker every Wednesday and Friday at 8:00 a.m. At arraignment, the defendant is read the charges against him/her and enters a plea of guilty or not guilty. The case is then assigned to a Common Pleas Judge.
- The Prosecutor's Office has two prosecutors assigned to each courtroom. Our office has nine victim advocates who keep victims apprised of what is happening with their case at every stage.
- The case proceeds through the Common Pleas Court with a pretrial and ending with a trial unless the defendant pleads guilty. If the case goes to trial, the defendant can be found guilty or not guilty. If found guilty, prosecutors can make recommendations on sentencing but the judge is the only person authorized to sentence a defendant. During the sentencing proceeding, the victim or victim's family is permitted to read or make a statement to the court. This process may give some closure for the family, to tell the defendant how they feel and also to let the court know the damage the defendant has caused to the loved ones.

- If the defendant is found guilty, he may appeal the conviction to the Ninth District Court of Appeals. Our appellate division prosecutors handle the appeal. The defendant files a brief explaining why he thinks the conviction is in error and one of the appellate division prosecutors files a brief explaining why it is not. The Court of Appeals reviews the testimony and evidence introduced at the trial and issues a written opinion ruling on the defendant's arguments. This process takes about eight months to complete. The Court of Appeals can affirm, reverse, dismiss or remand the case. The Court of Appeals decision can be final or it can be appealed to the Ohio Supreme Court or the U.S. Supreme Court in some instances. Whether the defendant remains incarcerated or is released depends on whether a bond is set by the various courts and the defendant has sufficient funds to post bond.