Lesson Overview

- Types of Criminal Sanctions
- Prosecution
- Rules of Evidence
- Rules of Testimony

Lesson Objectives

- Understand the nature of criminal sanctions;
- Be able to determine the appropriate remedy for a particular situation; and,
- Understand how the rules of evidence and testimony affect the gathering, maintenance and presentation of information in a case.
Lesson 12. Criminal Actions

March 8, 2004

Types of Sanctions

- Misdemeanors
- Felonies

Misdemeanor Process

- Police Arrest
- Citation or Criminal Complaint
- Citizen Information
- Arraignment in District or Municipal Court
- Prosecuting or City Attorney

Misdemeanor Process

- Guilty Plea or Bail Forfeiture
- Not Guilty Plea
- Trial by Judge or Jury
- Sentencing
- Case Closed
- Arraignment in District or Municipal Court
- Guilty Plea or Bail Forfeiture
- Not Guilty Plea
- Trial by Judge or Jury
- Sentencing
- Case Closed
**Misdemeanor Process**

- Trial by Judge or Jury
  - Guilty Verdict → Sentencing
  - Not Guilty Verdict → Charges Dismissed → Case Closed

**Felony Process**

- Crime → Police or agency investigation → Indictment filed by Prosecuting Attorney or Grand Jury → Appeal to Court of Appeals or Supreme Court
Felony Process (Continued)

Arraignment in District or Municipal Court

Pretrial Motions

Guilty Plea

Not Guilty Plea

Charges Dismissed

Felony Process (Continued)

Sentencing

Fine and/or Imprisonment

Trial by Judge or Jury

Guilty Verdict

Appeal to Appellate Court

Acquittal

Questions

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Lesson 12. Criminal Actions

Rules of Evidence
- Material and relevant
- Hearsay
- Proof
  - Burden of Proof
  - Degree of Proof

Proof
- Burden of Proof
  - Beyond a reasonable doubt

Rules of Testimony
- Relevancy
- Credibility
  - Hearsay
- Authenticity
  - Chain of Custody
Relevancy

- The testimony must relate directly to the issues involved in the controversy.

Credibility

- Witnesses offer the most credible evidence when:
  - Testifying, orally or in writing, under the solemnity of a court-administered oath
  - The declarant is present in court
  - An adversary has an opportunity to cross-examine the declarant about the truth of the matter asserted.

Hearsay Testimony

Exceptions:
- Out-of-court admissions of a party-opponent
- Declarations against interest
- Spontaneous declarations
- Past recollections recorded
- Regularly kept business records
- Official written statements and certificates
Authenticity

- Tangible items offered as evidence must be authenticated through testimony or certification

Questions

Next Lesson

Civil Actions
Assignment for Lesson 13

- **Grad:**
  - Chapter 11 - Civil Sanctions, pp. 192-205 and
  - Chapter 10 - Injunctions, pp. 181-191.
- **Statutes & Regulations:**
  - 29 USC - Occupational Safety & Health Act §§658-660.

Assignment for Lesson 13

- **Required Readings:**
  - Reading #35 - Ligon, R. Legal Aspects of Disease Control Administration.