

Opening Statements

First, the trial will begin with opening statements from the prosecuting attorney and from you if you choose to do so. An opening statement is not evidence, it is merely a statement of what the city attorney and the defense intends to prove through the course of the trial.

An opening statement is not mandatory and it may be waived by either the prosecuting attorney or the defense. After the prosecuting attorney has made his/her opening statement to the court, you may either make an opening statement, waive an opening statement, or reserve your right to make an opening statement until after the prosecuting attorney has presented its case to the court.

Prosecuting Attorneys Case

The prosecuting attorney will then call its witnesses and introduce any physical evidence they may have and question their witnesses concerning the incidents involved in your case. After the prosecuting attorney has finished questioning each witness you will have the right to question that witness. This is called cross examination. Your questions must be relevant and appropriate to the matters the witness testified to and must bear a relationship to the incidents involved in the case.

Defendant's Case

Once the prosecuting attorney is done then you may make an opening statement if you reserved your opening statement. You may call witnesses to testify on your behalf and to question them concerning the incidents involved in the case. Just as you have a right to cross examine the prosecutors witnesses, the prosecuting attorney has the right to also question and cross examine each of your witnesses.

Curtis Advisement

Since it is the prosecuting attorney's burden to prove each element of the offense for which you are charged beyond a reasonable doubt you are presumed to be innocent. You will be given what is called a Curtis Advisement, which advises you that you have a constitutional right to remain silent and if you choose to remain silent the prosecuting attorney may not comment on that fact and the court may not infer any guilt by the fact that you chose to remain silent. You also have a constitutional right to testify and if you choose to testify then you are waiving or giving up your right to remain silent and you subject yourself to cross examination the same as any other witness.

Rebuttal Evidence

After you have concluded the presentation of your evidence the prosecuting attorney may present additional evidence, which is called rebuttal testimony, to rebut any evidence you presented in the case. After the prosecuting attorney concludes presenting rebuttal evidence, the evidence in the case is closed.

Closing Arguments

The prosecuting attorney now has the opportunity to make a closing argument, arguing why, based on the evidence which has been presented, the court should find you guilty of the offense you are charged with committing. You then have the opportunity to also make a closing argument arguing why, based on the evidence which has been presented, the court should find you not guilty. Finally, since it is the prosecuting attorney's burden of proof they will have the last word so to speak and will be allowed to present a rebuttal closing argument.

Closing arguments are not evidence and cannot be considered by the court as evidence. Any questions or statements which you make which are not in the form of sworn testimony cannot be considered by the court as evidence in the case nor in the determination of its judgment.

Judgment of the Court

The court will then make its decision, based upon the evidence that has been submitted to the court during the course of the trial.

Right to Appeal

If you are found guilty you have the right to appeal your case to the District Court.