

What is the name of the place  
where everyone meets to talk about  
a legal case?

Court or courtroom

What is the more serious class of crime? What are its categories?

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## Felony

Class A – 20 years in prison

Class B – 10 years in prison

Class C – 5 years in prison

Who represents a person who is accused of committing a crime and protects their rights?

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Defense Attorney, Public Defender,  
or Defense Counsel are all terms  
used to describe this person.

Who is the attorney who is paid to prosecute the defendant (prove they are guilty)?

District Attorney or Prosecutor  
(DA is also a term used for this  
person)

Who is the person who sent you to this program?

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# The Judge

What is a plea bargain?

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A deal between yourself and the DA, with guidance from your attorney; the deal says if you enter a guilty-type plea, you will be offered lowered charges, reduced number of charges and/or a recommendation for a lesser sentence to the judge.

What does PSRB stand for?

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Psychiatric Security Review Board

What is the plea of guilty?

The defendant admits that they committed the crime.

The defendant is saying, “I did the crime.”

What is a trial?

A legal process to decide if the defendant is guilty or not guilty based on the evidence.

An occasion when the jury and/or the judge decides if the evidence shows the defendant committed the crime or not.

What is the plea of no contest?

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The defendant does not admit guilt but chooses not to fight against the charge (accusation).

What is the plea of not guilty?

The defendant is saying they did not commit the crime they are accused of.

The defendant is saying, “I did NOT do it.”

What is the mental health defense of guilty except for insanity (GEI)?

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The defendant is saying that they did the crime, but their mental illness was a significant factor in committing the act.

Should the defendant ever talk to the District Attorney without advice from their own attorney?

No

Can you go back to court without a letter from the evaluator telling the Judge you are ready?

No

Who is the boss and/or referee of the court room?

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# The Judge

What other names is the Judge called?

“Your Honor” or “The Honorable”  
Unless told otherwise, it is expected  
that anyone talking to the Judge  
use the phrase, “Your Honor.”

In court, is the defendant considered innocent until proven guilty?

Yes

If the defendant disagrees with something in court, should they stand up and loudly say it?

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No

Such interruptions could be considered contempt of court.

Is this program or staff responsible for helping prove your innocence?

No

This program and its staff are neutral parties. It is used for evaluation and treatment.

Can you go back to court with  
mental illness symptoms?

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Yes

As long as they do not interfere with your ability to work with your attorney to get the best outcome possible in court.

During the forensic  
interview/evaluation, will you be  
expected to know your charges?

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Yes

The charge (accusation) is public record. Your side of what happened is not – it is privileged information for your attorney only.

Is your personal hygiene, dress, and appearance important in the forensic interview/evaluation and in court?

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Yes

What does .370 mean?

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It is a reference to a law (ORS 161.370) which allows a judge to send you to OSH or to the community for evaluation and treatment.

The Judge decided that you were unable to understand your legal situation, work with your attorney, or participate in your legal defense.

Who is the defendant?

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You are.

“Me”

The defendant is also called “The accused.”

What are charges?

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The name of the crimes the defendant is accused of committing.

Charges are accusations of breaking the law.

What rights does the defendant give up if they accept a plea bargain?

Right to remain silent (a guilty plea)

Right to a trial, including:

- Right to an appeal
- Right to confront accusers
- Right to call witnesses in their favor

What is a plea?

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A formal response to charges that you decide. Options are:

- Guilty
- Not guilty, and
- No contest

What is the less serious class of crime? What are its categories?

## Misdemeanor

Class A – 1 year in jail

Class B – 6 months in jail

Class C – 30 days in jail

What are the two types of trial?

Jury trial or bench trial

What is a jury trial?

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6 or 12 people from the community listen to both attorneys, any witnesses, and look at the evidence. The jury then decides if the defendant is guilty or not guilty. If they find the defendant to be guilty, then the Judge decides the sentence.

What is a bench trial?

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The Judge listens to both attorneys, any witnesses, and looks at the evidence.

The Judge decides if the defendant is guilty or not guilty. The Judge will decide if the defendant is guilty then they will also decide the sentence.

What is a witness?

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A person who has information related to a crime, swears to tell the truth, and testifies by answering questions in court.

What is evidence?

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Something presented to the court that makes a point about the defendant being guilty or not guilty.

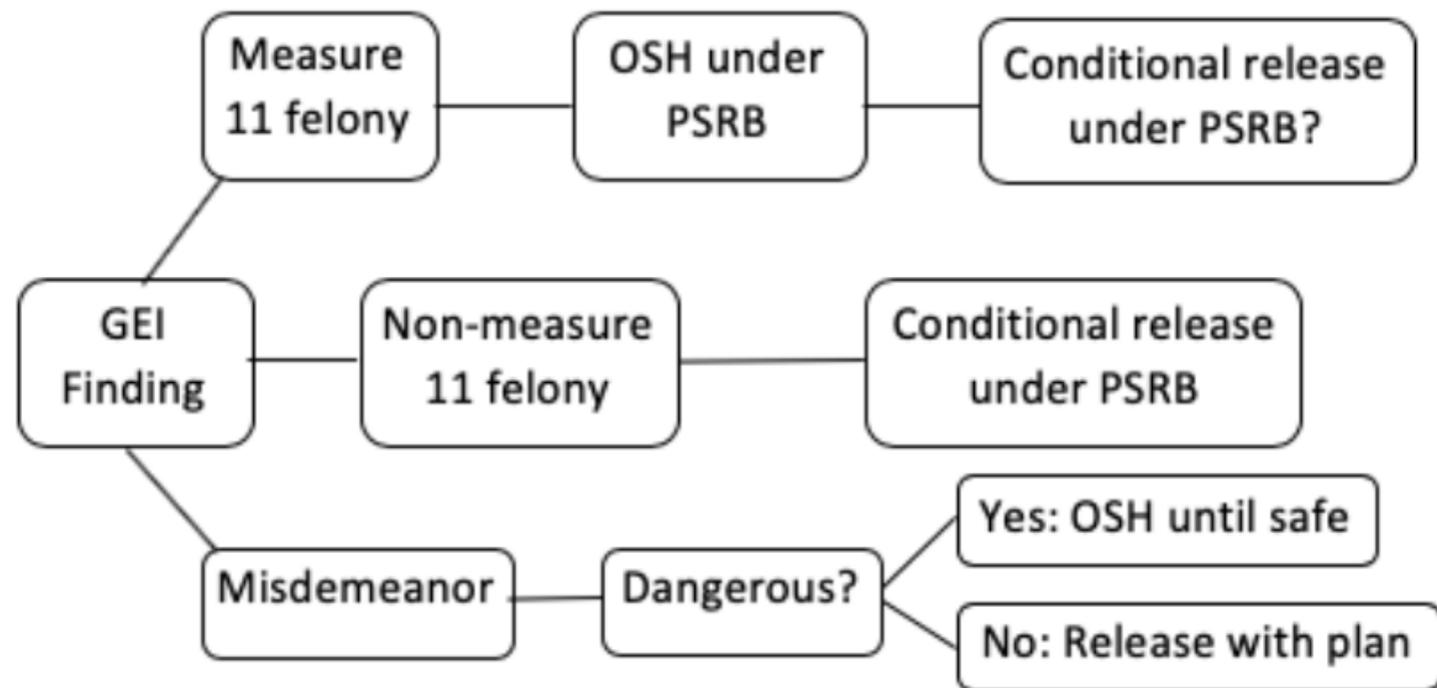
What is a sentence?

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A punishment ordered by the  
Judge.

What happens if you use a guilty  
except for insanity (GEI) defense?

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Will I get time served at this program? Will my time in jail count as time served?

This is an important legal matter that you should discuss with your attorney.

What is the forensic interview  
(the “Evaluation”)?

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This is an important interview with a psychologist or psychiatrist. The purpose is to determine if you are able to cooperate with an attorney, understand your legal situation, and participate in your defense.

What is a conditional release?

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If someone is found to be guilty except for insanity they could be allowed to leave Oregon State Hospital (OSH) early if they follow the rules of the PSRB.

What are some questions you might ask your attorney?

- A. What evidence is there against me?
- B. What plea bargain is available?
- C. May I have my time at OSH or this program be subtracted from my sentence?
- D. \_\_\_\_\_

What is an expert witness?

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A person who is accepted by The Judge as an expert about a particular subject. They can give an opinion about parts of the case.

What is a hearing?

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Any proceeding before a Judge in which evidence or arguments are presented to determine some legal issues.

What is the maximum possible length of sentence for a Felony A?

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20 years

What is the maximum possible length of sentence for a Felony B?

43

10 years

What is the maximum possible length of sentence for a Felony C?

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5 years

What is the maximum possible length of sentence for a Misdemeanor A?

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1 year

What is the maximum possible length of sentence for a Misdemeanor B?

46

6 months

What is the maximum possible length of sentence for a Misdemeanor C?

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30 days

What is a fine?

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An amount of money the defendant has to pay to the court.

What is the maximum length of time for your charge(s)?

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What are the classification(s) of your charge(s)?

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What are your charge(s)?

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What is probation?

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A punishment, in which an offender is supervised in the community instead of incarceration. The defendant is required to follow the rules given by the court and must stay out of trouble.

What is a suspended sentence?

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The judge has given you a sentence but decides that you don't have to serve the time if you stay out of trouble for a specified period of time.

What is the name of your attorney?

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How do you get along with your attorney?

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When was the last time you  
communicated with your attorney?

What are some ways you could  
communicate with your attorney?

- A. On the phone, leaving a voice message
- B. Write them a letter with questions
- C. In person, maybe at the forensic interview/evaluation

What could you do if a witness lies about you in court?

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- A. Remain calm
- B. Slip a note to your attorney
- C. Gently tap on your attorney's arm and whisper when they respond to you

Remember: Outbursts could be considered contempt of court.

What could happen if someone speaks or moves around in court without permission?

They could be held in contempt of court. This could lead to fines, time in jail, or other penalties.

What has happened in your case so far?

What is happening now?



What type of job do you think your attorney is doing for you?

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Do you feel your attorney listens to you?

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How are you expected to behave  
in court?

A. Remain Calm

B. Listen to your attorney's advice

C. Listen to the Judge

Is it necessary to have a jury in every case?

No

In fact, most cases are resolved through plea bargaining (no trial). The defendant could also choose to have a trial by the judge (bench trial).

Who decides whether to have a jury trial or bench trial?

The defendant with advice from  
their attorney.

Can a defendant be forced to testify at their own trial?

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No.

The 5<sup>th</sup> amendment to the constitution gives you the right to remain silent.

Can the defendant's refusal to testify be held against them?

No.

What happens if the defendant pleads guilty or no contest?

## Sentencing.

The Judge decides the punishment. Choices include: Fines, probation, jail, prison, community service, or something else decided by the Judge.

What is testimony?

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A sworn statement under oath given by a witness in order to provide factual evidence to the court.

What is an appeal?

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A request for review of a trial court's decision. If you have been found guilty in trial, you can request to have a higher court review your case based on an argument that the trial court made a legal error (if you feel that the law was not followed correctly).

What does acquittal mean?

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Found not guilty in a trial process.

What is confidentiality?

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Certain information that cannot be shared with other people; the only person you have confidentiality with is your attorney.

What is a concurrent sentence?

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Sentences for more than one crime that the defendant serves at the same time.

Example:

Time →

Charge 1
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Charge 2
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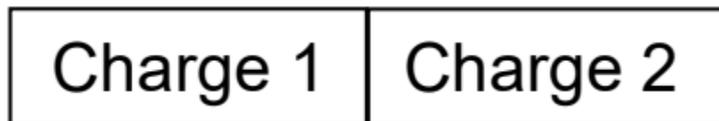
What is a consecutive sentence?

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Sentences for more than one crime that the defendant must serve one after another.

Example:

Time →



What does conviction mean?

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A finding of guilty following a trial or plea bargain.

The defendant was found to be guilty.

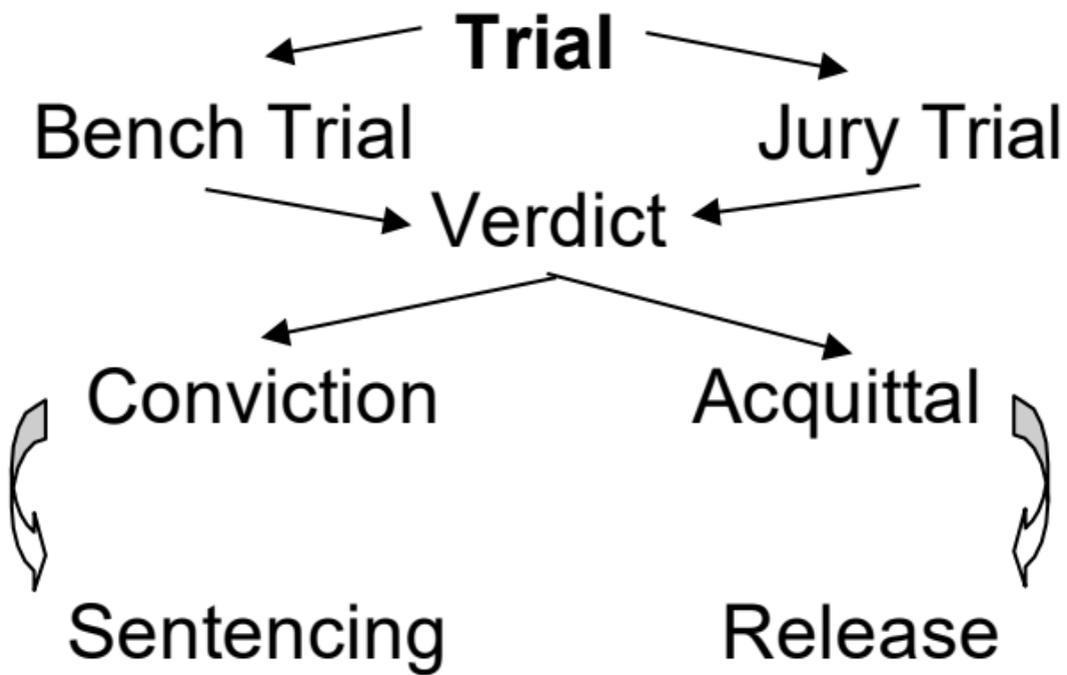
What does contempt of court mean?

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Behavior in court or outside of court that disrupts or delays the court process or violates a court order. This crime is punishable by time in jail or fines.

What is the outcome of a not guilty plea?

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What is a verdict?

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The outcome of a trial; the decision by the jury or Judge whether the defendant is guilty, not guilty, or GEI.