

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

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Court or Courtroom

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

Felony

Class A – Most serious

Class B

Class C – Less Serious

Who is the lawyer who is assigned to help the defendant/you?

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

Who is the lawyer who is paid to prosecute the defendant (prove he/she is guilty)?

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

Who is the person who sent you to  
Oregon State Hospital?

# The Judge

What is a plea bargain?

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The defendant agrees to plead guilty to a lesser charge(s).

The District Attorney agrees to reduce charges and/or recommend a lesser sentence if the defendant will plead guilty.

What does PSRB stand for?

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Psychiatric Security Review Board

What does SHRP stand for?

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# State Hospital Review Panel

What is the plea of Guilty?

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The defendant admits that he/she committed the  
crime.

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

What is a trial?

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

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

What is a plea of No Contest?

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

The defendant is choosing to not fight against the charge but also does not admit responsibility for the crime.

What is a plea of Not Guilty?

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The defendant is saying he/she did not commit the crime he/she is accused of.

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

What is the mental health defense of Guilty Except for Insanity?

The defendant is saying that he/she did the crime but his/her mental illness was a significant factor in committing the act.

The defendant's mental illness prevented him/her from understanding the act was illegal or from acting according to the law.

Should the defendant ever talk to the District Attorney without advice from his/her 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 of the court room?

# The Judge

What other name is the judge called?

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“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 he/she stand up and loudly say it?

No

Such interruptions could be considered contempt  
of court.

Is the hospital responsible for helping prove your  
innocence?

No

The hospital is a neutral party – used for  
evaluation and treatment.

Can you go back to court with mental illness symptoms?

Yes

As long as they do not interfere with your ability to  
Cooperate, Understand, and Participate.

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

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 court? In the evaluation?

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 for evaluation and treatment.

The judge decided that you were unable to understand the court proceedings, cooperate 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 he/she accepts a plea bargain?

Right to remain silent (a guilty plea)

Right to a trial

Right to an appeal

Right to confront accusers

Right to call witnesses in his/her favor

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

## Misdemeanor

Class A – More serious

Class B

Class C- Least Serious

What are the two types of trial?

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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. If the Judge decide the defendant is guilty then he/she will decides the sentence.

What is a witness?

33

A person who knows something about what did or did not happen. This person tells the court (testifies) what they know about the case.

Witnesses give verbal evidence to the judge and/or jury.

What is evidence?

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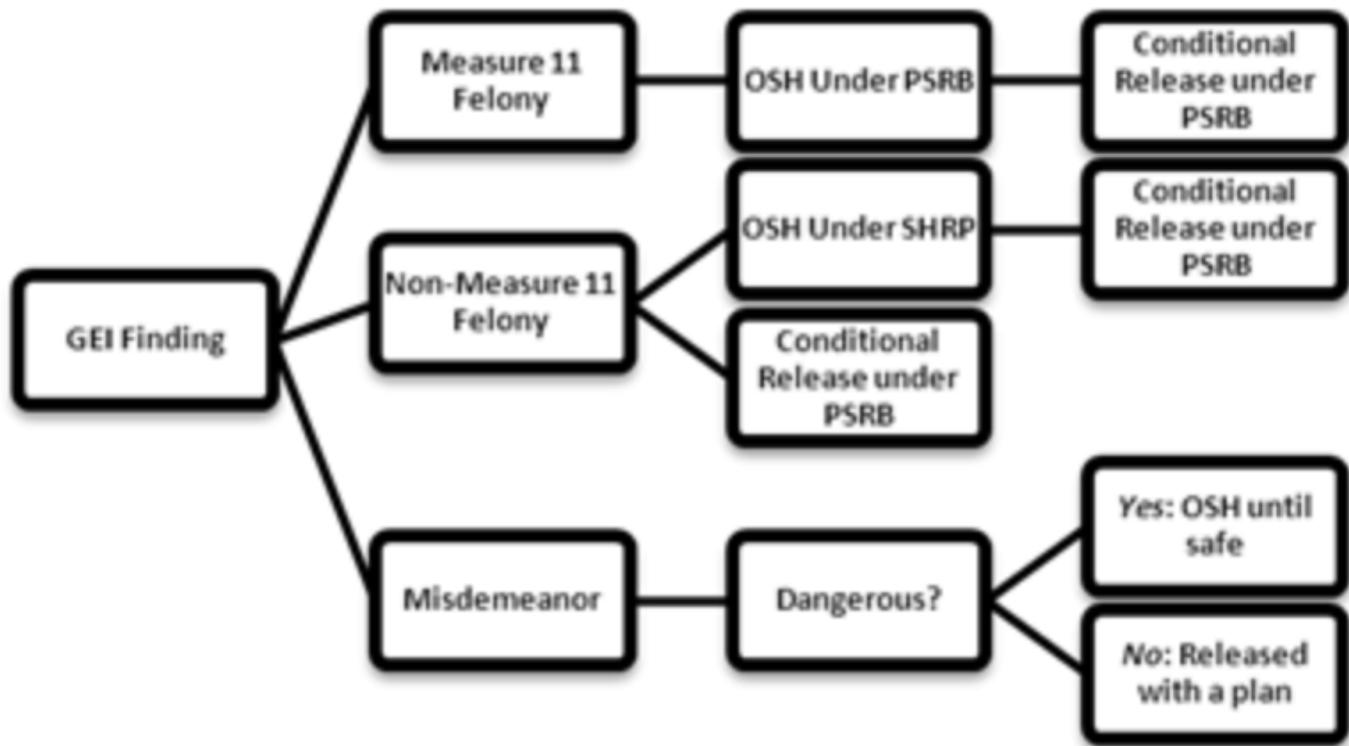
Something presented to the court that makes a point about the defendant being guilty or not guilty.

What is a sentence?

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A punishment ordered by the judge.

What happens if you use a Guilty Except for  
Insanity Defense?



What does Time Served mean?

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The actual time the defendant was in jail or Oregon State Hospital before sentencing; The Judge may decide to subtract this time from the sentence.

What is the evaluation?

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This is an important interview with a psychologist at Oregon State Hospital. The purpose is to determine if you are able to cooperate with an attorney, understand the legal processes, and participate in your defense.

What is a conditional release?

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If someone is found to be Guilty Except for Insanity he/she could be allowed to leave OSH early if they follow the rules of the PSRB. If the person breaks those rules the PSRB can “revoke” this release; the person comes back to OSH.

Remember, GEI findings result in supervision for up to the maximum possible sentence.

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 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. He/she can give an opinion about parts of the case.

What is a clerk?

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An employee of the court who acts as a secretary, keeping track of important paperwork, dates, and other information.

What is the recorder?  
What is the court reporter?

An employee of the court who makes a word-for-word record of what is said in court.

What is a hearing?

45

An occasion when a judge officially hears the lawyers' arguments about one part of the case.

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?

47

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?

49

1 year

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

50

6 months

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

51

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)?



What are your charge(s)?

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What is probation?

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Supervised release of a person convicted of a crime on the promise of following all of the specified conditions determined during sentencing. If these rules/conditions are not followed the person would/could be sent to jail.

What is a suspended sentence?

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The Judge found the defendant guilty and imposed a sentence, but based on The Judge's belief that the defendant can straighten out, The Judge says the defendant does not have to serve the sentence unless he/she gets in more trouble.

Who is your attorney?

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How do you get along with your attorney?

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Can you talk to your attorney?  
How have you communicated with your attorney?



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

- A. Remain Calm
- B. Slip a note to your lawyer
- C. Gently tap on your lawyer's arm and whisper when he responds to you

Remember: Outbursts could be considered contempt of court.

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

He/she 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 lawyer is doing  
for you?



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?

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The defendant with advice from his/her attorney.

Can a defendant be forced to testify at his/her own trial?

No

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

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

No

Not if done properly.

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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The verbal evidence given by a witness in court.

What is an appeal?

73

An appeal is a legal request to a higher court to review the decisions made by a judge.

Asking another set of judges to review, and possibly change, the decisions of the original judge.

What does acquittal mean?

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The defendant is found to be not guilty.  
The defendant is released unless there are other  
legal issues pending.

What is confidentiality?

75

Conversation and communication that is private and privileged under law. The defendant only has confidentiality with his/her attorney.

Only when talking to your attorney is what you say kept absolutely secret (confidential).

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

Charge 2

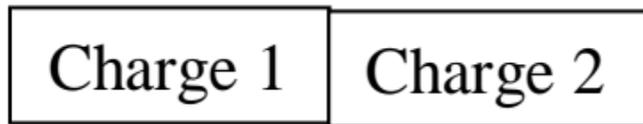
What is a consecutive sentence?

77

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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