

The Criminal Process

In Ohio, there are five degrees of felonies in addition to aggravated murder and murder. The levels of non-murder felony offenses range from a felony of the fifth degree, which is the least serious felony charge, to a felony of the first degree, which is the most serious felony charge. The decision as to what type of charge will be pursued is made by one of the Criminal Division Staff Attorneys.

Grand Jury

The purpose of the Grand Jury is to hear evidence in criminal cases, and to evaluate the same to determine if probable cause exists to charge an individual with a criminal offense. The Office of the Richland County Prosecutor represents the State of Ohio at Grand Jury, presenting evidence and instructing the Grand Jury on issues of law. The Grand Jury is the first stage in felony prosecutions in Common Pleas Court. The Grand Jury is comprised of 8 persons and 4 alternates selected at random from the public, along with a foreperson. The Grand Jury hears numerous cases each day. The Grand Jury does not try the case but must decide whether there is sufficient evidence to formally charge (or “indict”) an adult with a felony level crime. If the Grand Jury rules that probable cause exists to charge the individual, then a “True Bill” is signed, and the defendant is formally indicted on the felony charges the Grand Jury recommends. The case then proceeds to trial in the Common Pleas Court to determine the defendant’s guilt or innocence. Each Grand Jury serves for two months and the Richland County Grand Jury typically meets one week a month. If the case load requires, additional days are scheduled.

Those citizens who are chosen to serve as Grand Jury members must dedicate themselves to the process and attendance at all sessions of the Grand Jury is essential. Although it is a considerable time commitment, the vast majority of citizens who serve as Grand Jurors describe their experience as being extremely rewarding.

Pretrials

Following arraignment in all felony cases, prosecutors and defense counsel meet for a pretrial conference. A Final Pretrial conference is ultimately held with the judge, prosecutor, defense counsel, and at times the defendant, at which time the parties discuss the various legal issues in each case, including motions, plea bargains and trial dates. Pretrials also provide a time for prosecutors to meet with victims to discuss the case, if the victims have opted to attend the pretrial.

Motion Hearings

When motions are filed that require evidentiary hearings, such as motions to suppress evidence, the Criminal Division prosecutors appear at all such hearings, present evidence and argue the State’s position to the court.

Changes of Plea

Many felony cases are ultimately resolved with a change of plea, at which time the defendant enters a guilty plea after having had a chance to review the evidence, file motions, and weigh the case against him or her. A prosecutor must appear at every change of plea hearing, to ensure the matter is handled appropriately on behalf of the State of Ohio.

Trials

The most serious responsibility of prosecutors in the Criminal Division is the preparation and presentation of cases that go to trial. At trial, in order for a criminal defendant to be found guilty, the prosecution must prove its case beyond a reasonable doubt to the jury (or to the judge, if the defendant has waived the right to a jury trial). Preparing for trial typically involves many days or even weeks of work on the case by the prosecutor handling the trial. The prosecutor must meet with victims, witnesses and police officers in order to prepare for each trial, as well as devoting many hours to organizing and planning all aspects of the case to be presented at trial.

Sentencing Hearings

After a defendant has been found guilty (whether by pleading guilty or following a trial), a sentencing hearing is held. A prosecutor must appear at all sentencing hearings, at which time the prosecutor may present arguments as to the sentencing on behalf of the State of Ohio and the victim in the case. The victim may address the defendant and the Court at sentencing if he or she so desires.