

In general, the process in district court involves the assertion of claims and the presentation of evidence to support or refute claims.

Criminal cases involve charges filed by the government— typically the state—alleging that a person, the defendant, has violated a criminal law or ordinance. Typically, a person convicted of committing a criminal offense is subject to certain penalties such as paying a fine and restitution, serving time in prison or jail, or community service.

Criminal law is divided into two major classifications: misdemeanors and felonies. Misdemeanors are divided into three categories: simple, serious, and aggravated. Felonies are more serious crimes, and are classified from the most to the least serious as follows: class A, B, C, and D. For both misdemeanor and felony offenses, the penalty for conviction generally increases in severity with the level of offense.

Pretrial Procedures

Initial Appearance—Generally speaking, a person arrested for breaking a criminal law appears before a judge within twenty-four hours. The judge will inform the person of the charges and bail or conditions of release. For some minor offenses, the judge may allow the person to enter a plea of guilty or not guilty at the initial appearance.

Preliminary Hearing—After the initial appearance, the defendant is entitled to a preliminary hearing to determine if there is sufficient evidence to continue the case. Generally, the defendant will waive that right, and the prosecutor will file a trial information, which is a formal statement of the charges.

Indictment—On occasion, the county attorney will call a grand jury, a panel of seven citizens, to decide whether criminal charges should be brought. If at least five of the seven grand jurors find there is enough evidence to warrant a conviction by a trial jury, an indictment will be presented to the court. The indictment initiates a criminal proceeding.

Arraignment—Following the filing of a trial information or indictment, the defendant will appear for an arraignment. At the arraignment, the court will read the formal charges and the defendant must enter a plea, generally guilty or not guilty. If the defendant cannot afford to hire an attorney, the court will appoint an attorney to represent the defendant.

If the defendant enters a not guilty plea, there must be a trial within 90 days from the date of the filing of the trial information or indictment. However, the defendant may waive the right to a speedy trial. The defendant may also waive the right to a jury trial, and instead have the judge decide the case.

Discovery—The defendant may engage in discovery, including requesting evidence from the state and taking depositions of witnesses. The defendant may also file various pre-trial motions, including motions to exclude evidence believed to be illegally obtained.

Plea Bargain—The defendant and the state may engage in plea bargaining—discussions to resolve the charges without going to trial. If the defendant and the state do not reach an agreement, the court may schedule a pre-trial conference and thereafter a trial date.

Criminal Trial

Jury Selection—If the case proceeds to a jury trial, the parties will have the opportunity to question the prospective jurors—a process called *voir dire* that is used to screen jurors. In a criminal case, the jury is comprised of twelve jurors and each party may exercise strikes, which means objecting to a certain person serving on the jury. The number of strikes is determined by the level of the offense charged, ranging from four to ten. Additionally, the court may determine that alternate jurors are necessary.

Opening Statements—Following jury selection, the state will read the trial information or indictment and the defendant's plea. Next, the state may then give an opening statement which summarizes the evidence and the charges the state will prove. The defendant may give an opening statement immediately following the state's opening statement or wait to give an opening statement after the prosecution has finished its case.

Presentation of Evidence—After opening statements, the parties present evidence through the questioning of witnesses and introduction of evidence such as objects, documents, photos, and other items that support allegations. Each party must abide by the Iowa Rules of Evidence in doing so. These rules govern what evidence is admissible at trial and how it is presented. If a party believes the other party is not following the rules, that party may raise an objection: "I object!" The judge will then either sustain (grant) or overrule (deny) the objection. During a bench trial, the judge may reserve ruling on the objection.

The state will present its evidence first. The defendant is not required to present any evidence because the state bears the burden of proving the defendant is guilty beyond a reasonable doubt. If the defendant presents evidence, the state has the opportunity to present rebuttal evidence. Also, both sides have the right to cross-examine each other's witnesses.

Closing Arguments—Once the parties are through presenting their evidence, they each have an opportunity to make closing arguments to the jury. Closing arguments are an opportunity to persuade the judge or jury to decide the case in favor of a party. Closing arguments must be based upon the evidence produced in trial.

The Verdict—Unlike a civil jury trial, the jury in a criminal case must return a unanimous verdict—either guilty or not guilty. The jury may also find the defendant guilty of a lesser charge, if that lesser charge was submitted to the jury in the jury instructions. If the jury cannot reach a unanimous verdict, the court will declare a mistrial and the case may be tried again to another jury at a later date if the prosecutor so chooses.

Sentencing

After the return of a guilty verdict, the jury's duty is complete. The jury is not involved in determining the defendant's punishment; sentencing is left solely to the judge. The court will schedule a sentencing hearing, and both sides will have the opportunity to make sentencing recommendations.

Pre-sentence Investigation—Before any defendant is sentenced (except in traffic and less serious criminal matters) the judge is given a pre-sentence investigation report prepared by a probation officer. This report contains information such as the defendant's criminal record and family and financial circumstances, harm to any victims, and sentencing recommendations from the probation officer and others.

Victim Impact Statement—Victims may make a written victim impact statement and read their statement in court.

Sentencing Laws—The legislature decides the types of punishments that apply to each type of crime. In determining the sentence of a particular defendant, the court considers which sentence or combination of sentences as authorized by the legislature, in the discretion of the court, will provide for the maximum opportunity for rehabilitation of the defendant and the protection of the community from further offenses by the defendant.

Deferred Judgment—In some cases, the court may grant the defendant a deferred judgment. If the defendant successfully completes certain conditions during a fixed period of probation, the crime will be removed from the public court record.

After careful consideration, the court will impose a sentence that may include a fine, jail or prison term, probation, community service, and victim restitution. The amount of a fine or the term of imprisonment entered against a defendant must be within the parameters set by the legislature. Judges do not have the legal authority to impose sentences outside these statutory parameters.

Incarceration—A defendant who is sentenced to a term of imprisonment greater than one year is turned over to the custody of the Iowa Department of Corrections, an executive branch agency. The department decides in which prison facility the defendant will serve the sentence. However, a defendant who receives a sentence of less than one year typically serves that time in a county jail.

Parole—Defendants who are sent to a state correctional facility may be released prior to the expiration of their sentence. This early release is known as parole. Parole is granted by the parole board, which is an executive branch body composed of citizens appointed by the governor and confirmed by the Iowa Senate. Certain conditions are attached to parole. If a defendant violates these conditions, parole may be revoked and the defendant may be returned to the correctional facility.

Probation—Probation is another sentencing option. Probation comes with court ordered conditions attached. A defendant must comply with these conditions to successfully complete probation. A defendant who violates a probation order may be sent to a correctional facility or a county jail. A defendant who is on probation is placed under the supervision of a community-based correctional program that monitors the defendant's compliance. In Iowa, community-based correctional programs are public agencies that are supervised by appointed boards of directors.