

# THE MISDEMEANOR AND FELONY COURT PROCESS

## Arrestment

The first step in a criminal case is the arraignment. At the arraignment the defendant is formally told about the charges. The defendant can plead "guilty" or "not guilty." If the defendant pleads "guilty," a second date is scheduled for sentencing. If the defendant pleads "not guilty," a trial will be scheduled as soon as possible.

## Trial

All domestic violence misdemeanor cases are heard by the judge only. All felony cases go before a judge and a jury. The prosecutor uses testimony of witnesses, pictures, and other evidence to prove the defendant's guilt. Police officers, paramedics, neighbors, children, and others may be called as witnesses. The Victim Service Officer will be present to assist the victim throughout the court process.

## Sentencing

The defendant will be sentenced after being found guilty by a guilty plea or by trial. The judge will hear from the prosecutor, the victim, the defense attorney, and the defendant before imposing the sentence. The sentence may involve jail or prison time or probation with the completion of a counseling intervention or treatment program.



**Daryl D. Bailey, District Attorney**

Fifteenth Judicial Circuit of Alabama

Montgomery County Courthouse

251 South Lawrence Street

P.O. Box 1667

Montgomery, AL 36102-1667

Phone (334)832-2550

Area Code (334)

Child Support	832-1299
Drug Court	832-7198
Grand Jury	832-7199
Helping Montgomery Families Initiative	832-1666
Investigations	832-2550
Juvenile Prosecution	832-2138
One Place Family Justice Center	262-7378
Pre-Trial Diversion	832-2503
Restitution	832-2544
Victim Services	832-2550
Worthless Checks	832-1630

Montgomery County  
District Attorney

Violence  
Against Women  
Prosecution  
Unit



Montgomery County Courthouse  
Annex IV

530 South Lawrence Street  
P.O. Box 1667  
Montgomery, AL 36102-1667

**Tel: (334) 262-7378**

## VIOLENCE AGAINST WOMEN PROSECUTION UNIT

The Montgomery County District Attorney's Violence Against Women Prosecution Unit was formed in the fall of 1999 in an effort to reduce violence occurring against women and to make victims safer. The Unit prosecutes domestic violence and sexual assault crimes against women ages sixteen and over. A specially trained prosecutor and Victim Service Officer form the Unit.

The Unit can help you with: obtaining a temporary restraining order, forming a safety plan, understanding the court system, providing the current status about your case, standing with you in court, being an advocate on your behalf, and referring you to other agencies for needed assistance.

### What can the victim do for protection?

If you are a victim, you must first plan for your safety. You must decide in advance what you will do if the abuser becomes violent again. The Victim Service Officer in the Violence Against Women Prosecution Unit will assist you in making a plan. At anytime before the trial if you are concerned for your safety, call the Unit at (334)832-2550.or (334)262-7378.

If the abuser threatens, harasses, or otherwise harms you, directly or indirectly, notify the Montgomery Police Department at (334) 241-2718 or the Montgomery County Sheriff's Office at (334) 832-2532. In case of emergency, call 911.

## WHAT IS DOMESTIC VIOLENCE?

Domestic violence is abuse in which one person in a committed relationship uses force, the threat of force, or intimidation against another person. Domestic violence can occur between two adults, a parent and a child, or an adult child and an elderly parent. The violence may include physical or sexual assault as well as verbal or emotional abuse. Domestic violence occurs in all social, economic, cultural, and religious groups.

## Questions and Answers

### When is domestic violence a misdemeanor?

Common misdemeanor charges include Harassment, Harassing Communication, Reckless Endangerment, Assault III, Menacing, and Criminal Mischief. A misdemeanor conviction is limited to no more than one year in the county jail and a maximum fine of \$2000.

### When is domestic violence a felony?

Felony charges may include cases where the victim's injuries are much more serious, such as the loss of a limb, deformation, permanent disfigurement, or injuries which create a serious risk of death. Felony convictions can result in one year or more of jail time. However, the judge decides the punishment of a defendant.

### Who can sign a warrant?

Any adult victim of abuse can sign a warrant for the arrest of the abuser, called a defendant. Law enforcement officers can also sign warrants against defendants. Domestic violence is a crime in Alabama and filing charges holds defendants accountable for their crimes.

### Does the victim need an attorney?

After filing charges, your case will be assigned a Deputy District Attorney. It is the Deputy District Attorney's job to represent the people of the State of Alabama.

### Can charges be dropped once they are filed?

When criminal charges are filed, the State of Alabama is the party prosecuting. **Therefore, the victim cannot drop the charges.** The State's responsibility is to enforce the law and protect the victim from further abuse by prosecuting the defendant.

### Can the defendant get probation?

An alternative to jail is probation. A judge can order probation that can be supervised or unsupervised. The judge can also order the defendant to complete a violence intervention program that can include drug and alcohol treatment. If the defendant does not comply with the order, the judge can send the defendant to jail.

### How does the violence intervention program help the defendant?

The program provides information that helps the abuser understand the cycle of abuse and how to stop it. Violent behavior is the abuser's way of controlling the victim and the situation. The program helps abusers learn appropriate behavior, better communication skills, and how to act in a more responsible way.