

# What Happens When Someone Presses Charges Against You in Utah?

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It can be a very alarming and bewildering experience to be informed that someone has pressed charges against you. There are so many things to process mentally and emotionally all at once that it can seem overwhelming. But, at the same time, it's a moment when you need to focus on taking the right actions in your best interest. It can help to know what happens after you have been charged with a crime in Utah.



## What Happens After Charges Are Pressed in Utah?

If you have been charged with a felony or class A misdemeanor, you will need to contact an experienced criminal defense attorney to protect *all* your legal rights. Here's a step-by-step overview of the process you can expect after you have been arrested for a crime in Utah:

### First Court Appearance

The judge will officially inform the defendant of the charges. If the defendant is facing a high probability of receiving jail time or a suspended sentence involving jail time but cannot afford an attorney, the prosecuting government will pay for a defense lawyer.

In misdemeanor cases, the defendant is arraigned at this first court appearance. In felony cases, no plea is entered at the first appearance. The judge will set a date for a preliminary hearing. (The defendant may waive that hearing.)

### Preliminary Hearing

In felony and class A misdemeanor cases, a preliminary hearing is held to determine:

- Whether there is probable cause to show that the criminal act was committed.
- Whether there is probable cause to show that the defendant committed the crime.

The judge hears testimony from witnesses and receives other evidence. The judge will decide that there is or is not sufficient evidence to proceed to a trial. The judge may also amend the charges at this hearing. The case is dismissed or arraignment is scheduled.

## **Arraignment**

The defendant is given an opportunity to consult with an attorney before proceeding and will reschedule the hearing, if necessary, to allow time for that consultation.

When the defendant is ready to proceed, the judge states the charges, and the defendant enters a plea:

- Guilty plea: If the defendant pleads guilty, the judge will first make sure the defendant is clear on the rights he/she is forfeiting. Then, the judge will schedule a sentencing date.
- Not Guilty plea: If the defendant pleads not guilty, the judge will usually schedule a pretrial conference and a trial date.
- No Contest plea: Instead of admitting guilt, the defendant acknowledges that the prosecution would probably prevail in a trial.
- Alford plea: The defendant pleads this way (if the judge will allow it) to accept consequences that are the same as a guilty plea, without admitting guilt, to avoid possible consequences of a trial.

## **Pretrial Motions**

The defense and prosecution may file motions, formal written requests for the judge to issue a court order. Motions filed may be, for example, to suppress evidence of prior convictions, or requests for discovery, etc. Motions must be received by the court at least 7 days before a trial. The judge will typically decide all motions prior to proceeding with the trial.

## **Pretrial Conference**

The trial court might decide to hold a pretrial conference. In this session, the attorneys can negotiate to conclude the case. If the judge declines to approve the deal reached by the two sides, the case is then set to go to trial.

## **Plea Bargaining**

The defense and prosecuting attorneys negotiate in an attempt to reach a mutually agreeable disposition of the case. If the judge approves the plea agreement jointly proposed by the two sides, the defendant can then enter a guilty plea. The next step will be sentencing.

## **Trial Procedure**

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If the defendant pleads not guilty, depending on the type of legal action, a bench trial may be an option. (In a bench trial, the lawyers make the case to a judge instead of a jury). The court trial procedure is basically the same in a bench trial or a jury trial.

## **Jury Selection**

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At the start of the trial, potential jurors are questioned about their general beliefs and backgrounds to try to reveal prejudices or biases. Both sides can excuse some jurors.

## **Opening Statements**

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Lawyers on each side make statements to inform the jurors about the nature of the case, the evidence they plan to present, and the facts they intend to prove. (This statement is optional for the defense.)

## **Prosecution and Defense Present Evidence**

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Both sides make their cases by questioning witnesses to obtain their testimonies in court, and the attorneys may submit documents, photos, and other physical evidence. The prosecution may present rebuttals of defense evidence, and the judge may allow defense rebuttals.

## **Jury Instructions**

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The judge will give the jury instructions for their deliberations regarding the laws they must follow. For example, they must find the defendant guilty beyond a reasonable doubt, or he/she must be acquitted.

## **Closing Argument**

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Then, both attorneys will make their arguments for their position as persuasively as they can to the jury, or to the judge in a bench trial.

## **Jury Deliberations**

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After closing arguments are completed, the jury goes to the jury room for their deliberations.

## **Verdict**

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The jury's verdict is announced for the defendant and the court. The verdict must be unanimous. It must be delivered in court in the defendant's presence unless he/she chooses not to attend.

## **Sentencing**

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After receiving a guilty verdict or pleading guilty in a criminal case, the defendant has a right to be sentenced no less than two and no more than 45 days later. The defendant may choose to be sentenced on the day of the plea, or of the conviction, or after 45 days

to allow time to prepare for sentencing.

## **Beyond the Initial Judicial Process**

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After sentencing, there are additional steps in the judicial process that a convicted person may choose to pursue. For information about processes that may follow a trial after a guilty verdict, you can find helpful information on the topics below, among others on the Utah Courts webpage:

## **Why Choose Wasatch Defense Lawyers?**

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Wasatch criminal defense lawyers have been defending the rights of defendants in criminal trials for decades. Our legal teams know how to move aggressively to get charges dropped or reduced and keep our clients out of jail. We understand that you are innocent until proven guilty. We're here to guide you through the criminal court process and make sure that the best possible case for your defense is presented.

**If you have been charged with a felony in Utah, contact Wasatch Defense Lawyers at (801) 980-9965, or use our online contact request to schedule a free case review.**

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