

## Hearings Defined

**Aggravation or Mitigation Hearing** – a hearing before the Judge for the state or the defense to present evidence and/or testimony to show the Judge that he/she should increase the defendant's sentence (aggravation) or decrease the defendant's sentence (mitigation).

**Arraignment** – the first court appearance in Superior Court at which the defendant is brought before a Judge or Court Commissioner to be informed of the charges, enters a plea, and future court dates are set.

**Change of Plea Hearing** – a hearing before the Judge where the defendant enters a guilty or no contest plea according to the plea agreement.

**Initial Appearance** - hearing held within 24 hours of a persons arrest at which time a Judge determines if the person may be released on personal recognizance (OR) or by bond and setting a time for a preliminary hearing in felony cases or an arraignment on misdemeanor cases.

**Preliminary Hearing** - a court hearing in Justice Court in which probable cause was determined.

**Pre-Trial Proceedings (Pre-Trial Conference, Pre-Trial Hearing, Motions or Status Conference)** – court appearances in Superior Court before the trial at which time the motions are heard and the Judge monitors the status of the case.

**Release Hearing** – a hearing before a Judge in which the defendant may request to be released on his/her own recognizance or lower bond, or the prosecutor may request to change the conditions of the defendant's release or increase bond.

**Restitution Hearing** – a hearing where testimony and evidence is presented to determine the amount of restitution a defendant should be ordered to pay as a condition of the defendant's sentence.

**Rule 11 Evaluation (Competency Hearing)** – a psychiatric evaluation to determine if the defendant can assist in his/her defense and is competent to stand trial.

**Sentencing** – the determination by the Judge of the punishment that the convicted defendant is to receive.

**Settlement Conference** - hearing set to explore the possibility of a negotiated case disposition/plea agreement

**Trial** – a proceeding at which a Jury and/or a Judge hears testimony and evidence to determine whether or not the defendant has committed an offense beyond a reasonable doubt.

**Trial Management Conference** - hearing to confirm the trial date, can discuss issues such as trial length, number of jurors needed, etc.