

**NAVIGATING  
THE  
CRIMINAL JUSTICE  
SYSTEM  
In  
WASHINGTON COUNTY  
UTAH**

## ARREST

If an officer has probable cause a crime has been committed and knows who allegedly committed it, that individual will be taken to jail. In Washington County Utah, that facility is the Purgatory Correctional Facility. It is located at 750 South, 5300 West, Hurricane, Utah 84737. (Purgatory is named for the area near St. George, Utah called "Purgatory Flats". The title was given to the area by early mainstream LDS pioneers who had a difficult time crossing the very hot dry terrain in wagons).

The individual will be fingerprinted and photographed. Medical personnel will interview the individual to determine if the individual is a danger to himself or others, or if the individual has any immediate health issues.

**\*\*If your family member/friend calls you and says that he/she has been arrested, help him/her stay calm and let him/her know you are there to help. Remind him/her that he/she has a right to have an attorney present when being questioned by police officers or detectives.**

**\*\*It may be important to inform the jail regarding your family member's mental illness and the medications they are currently taking. Despite it being a difficult situation, it is important that you only call once to provide your family member's information. DON'T CONTINUE TO CALL THE JAIL MULTIPLE TIMES.**

**\*\*The phone number is: (435) 656-6500.**

## THE COURT PROCESS IN WASHINGTON COUNTY, UTAH

**ARREST:** The client is detained by the police and booked into the Purgatory Jail in Hurricane, Utah.

**ARRAIGNMENT:** The client is brought before a Judge either in person or by means of a video camera set up in the jail, and read or given notice of the charges against him/her. If the client cannot afford an attorney, the Judge will appoint a lawyer. A Roll Call hearing is also determined at this time.

**ROLL CALL:** Defense Counsel will appear with the client in court to take care of issues that need to be addressed prior to the Preliminary Hearing. This usually includes scheduling a date for the Preliminary Hearing, reporting on Discovery for the Defense Counsel. (Discovery is the information and or evidence gathered by the State that is against the client). There may be two roll call hearings.

**PRELIMINARY HEARING:** This is the most important and most emotional of the early court hearings. The State must (1) put on enough evidence to establish that a crime took place, and (2) establish that "more likely than not" "that our client committed, or is a party to , the alleged crime. This threshold of evidence is known as "probably cause". If there is enough evidence or probably cause (and you must expect that the Judge will find that there is), the case is bound over, meaning the case is scheduled for trial. In essence, the preliminary hearing also provides Defense Counsel an opportunity to cross-examine the State's witnesses in an effort to determine the strength and type of evidence the State may have against the client. The client has a right to testify and give evidence at this hearing but it is usually not in the client's best interest to do so, as this exposes the client's defense strategies and witnesses to the State/Prosecution when they cross-examine the client. The case is then scheduled and set for trial in the District Court. Preliminary Hearings can be waived by the Defense. The Defense Attorney will speak to whether it is a good idea to waive.

**DISTRICT COURT ARRAIGNMENT-SCHEDULING CONFERENCE:** The client must appear before the assigned trial Judge and enter “not guilty” pleas. Remaining court dates are usually scheduled at this time.

**MOTION HEARINGS:** There will be numerous court hearings concerning pre-trial matters. The most important will concern motions that Defense Counsel will raise on behalf of the client. Defense counsel will argue all matters to ensure that the client will receive a fair trial once the case is put before a jury. These can take several days to argue and are often scheduled over a period of months.

**PRE-TRIAL CONFERENCE:** All final matters are settled. The case is ready to be put before a jury.

**TRIAL:** This may take weeks to do. A jury must be selected. At the trial, the State will present its proof/evidence concerning the crime. Defense Counsel will then put on the client’s defense. Finally, instructions are read to the jury, closing arguments are made by both sides, and the State will make its rebuttal before the matter is given to the jury. The jury then decides whether or not the client is guilty or innocent of the alleged crime.

**Defense counsel will formally engage in plea negotiations with the State on behalf of the defendant. Should the State decide to offer a plea bargain agreement, Defense Counsel must notify the client of the offer. Accepting the plea offer to settle the case OR deciding to go to trial is solely the client’s decision. Any questions concerning the settlement process should be referred to the head defense attorney.**

## **MENTAL HEALTH COURT**

**ELIGIBILITY:** Those who are legally competent with a verifiable diagnosis of schizophrenia, bi-polar disorder, or schizoaffective disorder with misdemeanors or felonies are eligible.

**PROGRAM REQUIREMENTS:** Participants must attend court weekly or bi-weekly and comply with all court orders which may include: taking medications as prescribed, attending counseling, therapy and support groups as ordered, submitting to alcohol and/or drug testing as necessary. Class A Misdemeanants are usually on probation for 18 months, Felonies for up to 3 years.