

The court system is **adversarial**. That means that there are two sides in the case and both sides try to win the case. The Defendant (you) and the defense attorney are on one side and the Commonwealth Attorney (prosecutor) is on the other side against you.

The Judge:

- Keeps order in the court.
- Makes sure everyone follows the rules of the court.
- The Judge is **neutral** or **impartial**.
- That means he is not on either side and does not help one side more than the other.
- Passes sentence if the defendant is found guilty.
- Sets the defendant free if the **verdict** is Not Guilty.
- Decides if the defendant is guilty or not guilty when the trial is a “**bench**” trial (no jury.)

The Defense Attorney or Public Defender:

- Is the lawyer that is for you, on your side.
- Does his or her best to get you free.
- Is trying to protect you.
- Tries to get you a reduced sentence if you are found or plead guilty.

The Commonwealth Attorney:

- Is against you and is **NOT** on your side at any time.
- Their job is to prove that you are guilty.

Guilty: I did the crime.

Not Guilty: I did NOT do the crime.

Not Guilty by Reason of Insanity

(NGRI): At the time of the crime, I was mentally ill and did not understand that what I was doing was wrong.

No contest: I am not saying whether or not I committed the crime. I want the judge to decide what happens in my case.

Plea Bargain

A deal between the Commonwealth Attorney, your lawyer or Public Defender, and you. The judge has to agree with the plea bargain. You must plead Guilty or No Contest to receive a plea bargain. It usually results in a sentence less than you would have gotten without a plea bargain.

Behavior in Court

While you are at Eastern State Hospital, we check your behavior to be sure that you can behave properly in court: calm, quiet, and paying attention.

Ability to Testify

You must be able to speak in an organized way and answer questions. It is important to know that you must tell the truth in court but do not have to say anything that makes you look guilty (incriminates you). Purposefully lying in court is called **perjury** and can be punishable by jail time.

CompKit

Competency to Stand Trial Training Resources

Competency to Stand Trial Fast Facts Brochure

Why am I at Eastern State Hospital?

1. You have been charged with a crime.
2. The judge felt that you were not ready to go through the legal process. Because of this, the judge found you **incompetent to stand trial**.
3. The judge decided this because he felt that you might have a mental illness that keeps you from helping your lawyer defend you in court.
4. The Judge ordered that you come to **Eastern State Hospital** for treatment of your mental illness and training about the court system. This is so that you can become **competent to stand trial** and go back to court.

What do I have to do to go back to court?

You must be competent to go ahead with your case in court. This means that you must show that you are **competent to stand trial**. To be competent to stand trial, you must:

1. Rationally understand your current legal situation. This means:
 - a. You must know the charges against you; what the police say that you did.
 - b. You must know the possible sentences or penalties for a person found guilty of your charges.
 - c. You must understand that the court system is an **adversarial** system. You must show that you understand how the court system works and what the people who work in the court do.

2. Be able to work with your defense attorney (lawyer) and make decisions about your defense in a rational way. This means:

- a. You must be able to provide accurate and important information about your case to your lawyer or attorney.
- b. You must be able to behave appropriately in court.
- c. You must be able to testify and give evidence in court to defend yourself, should you decide to do so (though you are not required to testify).

What can I do to become competent to stand trial and leave the hospital as soon as possible?

1. Cooperate with your treatment team.
2. Take the medication that the doctor says you need.
3. Participate in the groups where they talk about court and the people in the court.

What do I need to know?

My Charges

Crimes are either **felonies** or **misdemeanors**. **Misdemeanors** are less serious than felonies. **Felonies** are more serious crimes. Being charged with a felony is a very serious matter.

My Possible Penalties

You must know the possible penalties for someone found guilty of the crimes that you are charged with. There are different types or classes of felonies and misdemeanors. Sentences over one year are served in prison and sentences less than one year are served in city/county jail or facilities.

Felonies are classified for the purpose of sentencing into the following six categories:

- Class 1 felony- penalty includes death or life imprisonment and fines up to \$100,000.

- Class 2 felony- imprisonment for life or a minimum of 20 years and a fine of up to \$100,000.
- Class 3 felony-imprisonment for five to 20 years and a fine of up to \$100,000.
- Class 4 felony - a term of imprisonment for two to 10 years and a fine up to \$100,000.
- Class 5 felony-imprisonment for one to 10 years or jail up to 12 months and a fine up to \$2,500.
- Class 6 felony-imprisonment for one to five years or jail up to 12 months and a fine of up to \$2,500.

Misdemeanors are classified for the purpose of sentencing into the following four categories:

- Class 1 misdemeanor - a jail term for up to 12 months and/or a fine not to exceed \$2,500.
- Class 2 misdemeanor - a jail term for up to six months and/or a fine of up to \$1,000.
- Class 3 misdemeanor - a maximum fine of \$500.
- Class 4 misdemeanor-a maximum fine of \$250.

Possible Punishments without Jail Time

- Probation
 - Community Service
 - House Arrest
 - Time Served
- * If found Not Guilty (innocent): No punishment.