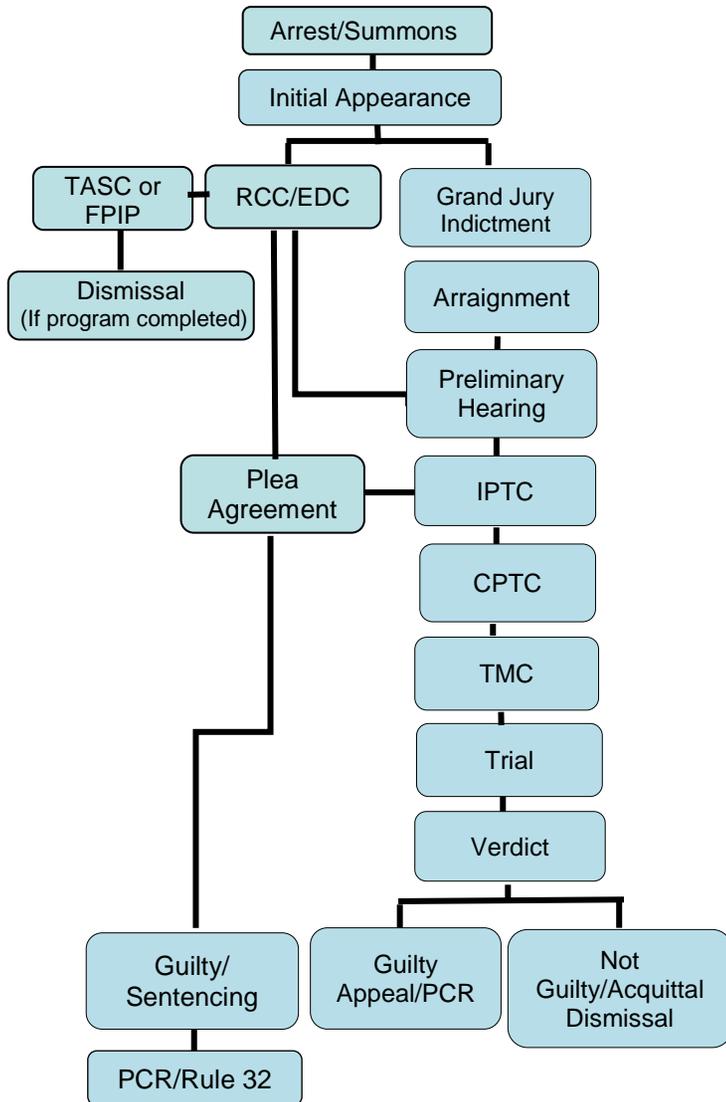


General Sequence of Case Events



Public Defender File Retention Policy

Your closed defense file will be retained by our Records Unit for the time periods below, after which time it will be destroyed:

- **Capital Felony and Appeals** – Client's lifetime
- **Appeals/PCR's** – Minimum of 5 years after appellate decision or 2 years after sentence completed or absolute discharge from probation, whichever is later
- **Felonies and Misdemeanors** – Minimum of 5 years after case is closed or 2 years after completion of sentence or discharge from probation, whichever is later
- **Dismissals – With Prejudice**, 5 years
- **Dismissals – Without Prejudice**, 7 years
- **Civil Mental Health** – 4 years after final disposition
- **Criminal Incompetency [non-restorable only]** – Client's lifetime

If you wish to retain a copy of your file before it is destroyed, please send a written request to:

Public Defender's Office
 Records Division
 620 W. Jackson, Suite 4015
 Phoenix, Arizona 85003

*Maricopa County
 Office of the Public Defender*

Revised: 3/01/18

*Maricopa County
 Office of the Public Defender*

*For Your
 Defense*

*Maricopa County
 Public Defender's Office*



*Delivering America's Promise
 of Justice for All*

620 West Jackson, Suite 4015
 Phoenix, Arizona 85003
 Telephone: (602) 506-7711

For Your Defense

A Public Defender is an attorney who represents people charged with criminal offenses who cannot afford to hire a private attorney. Like any other attorney, a public defender has graduated from an ABA accredited law school, has passed the Arizona bar exam, and has a license to practice law. In addition, our staff includes paralegals, mitigation specialists, investigators and law clerks who support our goal of providing high quality criminal defense services.

Your attorney is on your side. It will be important for you to work closely with your attorney as the case moves through the criminal justice system in order to get the best result for *you*.

It takes time, sometimes several months, for a case to move through the courts. During that time, it is extremely important for you to keep in touch with your attorney and to make all court appearances until your attorney tells you that your case is over.

DO NOT discuss your case with anyone except your attorney or our office staff. Do not discuss your case with a police officer or even your family — tell them to talk to your attorney about the case. Anything you say to the police, to family members or to others could be used against you in court. Always remember that you and your attorney are partners working for the best possible result for you.

Helpful Tips

- Be on time for court and other legal appointments.
- Give your attorney your home and work addresses, and your home, work and message phone numbers, and let your attorney know if any of these change.
- Keep in contact with your attorney.
- Give your attorney a list of witnesses and any relevant documents.
- Wear proper clothes to court. Avoid shorts, flip-flops, short skirts, tank tops, and cleavage bearing tops. Dress as if you are going to a job interview.

Initial Appearance: The Initial Appearance is your first step in the criminal justice system. At this appearance you were: (1) informed of your charges, (2) appointed an attorney, (3) given your release conditions, and (4) given your next court date and court location.

Regional Court Center (RCC)

Early Disposition Court (EDC)

Most cases in Maricopa County are set for preliminary hearing in RCC or EDC. You will usually meet the attorney assigned to your case for the first time here. On that day you will have an opportunity to meet with your attorney to discuss the facts of your case, any issues there may be with your case, and a plea offer.

Plea Offers:

In most cases the State will offer you a plea agreement. With a plea agreement you agree to plead guilty and not go to trial. In exchange, the State usually offers something less than you would receive if you took your case to trial and lost. This can sometimes be to your benefit. Your attorney can help you decide the best course of action based on your situation.

If you choose to plead guilty you will be giving up your right to a Preliminary Hearing and Trial. Once you enter into the plea agreement your sentencing date may be set out two to four weeks.

Diversion Programs:

The State may offer a diversion program for some first time offenders. TASC is for those with drug only charges and consists of treatment, drug testing and payment of fees. The Felony Pretrial Intervention Program ("FPIP") covers a broader range of crimes and, if offered by the prosecution, requires participation in classes coordinated through Sage Counseling. This program may require payment of fees. Cases can be dismissed in their entirety if the TASC or FPIP programs are successfully completed.

Preliminary Hearing:

If you choose not to accept a plea agreement or diversion program, your case may be set for a Preliminary Hearing. A Preliminary Hearing is a probable cause determination. At this hearing the prosecutor presents witnesses and evidence to show that the crime charged probably occurred and you are probably the person who committed the crime. Far less evidence is needed at this hearing than would be needed at trial. If the commissioner finds no probable cause, your case will be set for an Initial Pretrial Conference. (IPTC)

Preliminary hearings are sometimes "scratched" or "vacated." This means that the formal charges were not filed or that the prosecutor has chosen to take the case to the grand jury. The charges may be refiled. **If you move, be sure to give your new address to the post office so any mail from the court about your charges will reach you.** If you do not, you may be arrested if the charges are refiled.

The Courts and Your Case

Felonies Charged by Indictment:

If you received an "indictment" on a felony offense, Grand Jury has already found probable cause to charge you. Probable cause for an indictment means that a Grand Jury (a jury of lay people) found that the crime charged probably occurred and you are probably the person who committed the crime. Far less evidence is needed at this hearing than would be needed at trial. Once you have been indicted you will be notified and your next court date will be for an arraignment.

Arraignment:

At the Arraignment, the Court will enter a "Not Guilty" plea on your behalf and will ensure that you have an attorney representing you on your case. If the Court determines you cannot afford an attorney, one will be appointed to assist you and you will receive instructions on how to contact your assigned attorney. The Court will also assign your case to a trial judge and set your upcoming court dates. The next court date is an Initial Pretrial Conference.

IPTC/Pretrial Hearings:

The Court will set a number of pretrial hearings before your case proceeds to trial. The settings may include all or some of the following: Initial Pretrial Conference (IPTC), Comprehensive Pretrial Conference (CPTC), Status Conference, Settlement Conference, and Trial Management Conference (TMC). At each stage your attorney will appear with you and explain the purpose of the hearing.

Trial:

A trial is a court proceeding where the prosecutor must prove "beyond a reasonable doubt" that you committed the crime charged. Your attorney will have an opportunity to cross-examine the prosecutor's witnesses and to present witnesses and evidence to tell your story. Felony trials are heard by a jury unless you, your attorney, and the prosecutor agree to have your case presented to a judge.

Sentencing:

If you enter into a plea agreement or if you go to trial and are found guilty, you will have a sentencing date set approximately one month later. Before the sentencing date, you will meet with a probation officer who will prepare a report for the judge. The report will have a sentencing recommendation for your case. Talk to your attorney about this process before you meet with the probation officer. In addition, provide your attorney with references and other information that your attorney can present to the court at your sentencing.

Appeal/PCR/Rule 32:

Depending on how your case is resolved, you may have the right to pursue some of these post-sentencing remedies. Please talk with your attorney about this process to determine if it applies to your situation.