

## Hamilton County Court Rules Transcript

00:00

Welcome to the Hamilton County General Sessions Criminal Court. In the next few minutes, we will explain what to expect, including your rights as victims and defendants. We will also tell you about some helpful resources.

00:13

There are five General Sessions judges in Hamilton County. Each judge hears both civil and criminal cases. The judges rotate each week between civil and criminal court. Occasionally, one of the judges may be unavailable. When that happens, we try to get one of our fellow judges to cover our cases. Or we may use a substitute, such as an elected judge from the surrounding areas. We may also use local attorneys or a special senior judge.

00:38

General Sessions handles both misdemeanor and felony charges. A misdemeanor is a criminal charge that carries a maximum sentence of less than one year. A felony is a criminal charge that carries a sentence of one year up to life in prison and the death penalty in certain cases.

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If you are charged with a crime, you have a constitutional right to an attorney and a jury trial. You and the state are also entitled to a preliminary hearing to determine whether there is probable cause for your case to be bound over or continue through the grand jury and the system itself.

01:12

You can hire your own private attorney, request that the court appoint a public defender to represent you or represent yourself, which is not recommended. If you make a request to hire your own private attorney, and this is one of the first settings of your case, your judge will likely continue your case to allow you ample time to hire your attorney.

01:34

If you cannot afford a private attorney, you can request a court-appointed public defender to represent you free of charge. To apply for a court-appointed public defender, you will need to request a one-page document called a uniform affidavit of indigency from one of the court officers in the courtroom. You will fill it out in its entirety, sign it, and date it. Afterwards, you will be called to the front of the bench, sworn under oath, and the judge will ask you questions to determine if you are in fact indigent.

02:04

To make the indigency determination, the judge may ask questions about your financial status, employment status, monthly expenses, number of children in the household or your home, child support payments, your ability to post a bond, and other pertinent questions that may reflect on your ability to qualify for a court appointed public defender.

02:25

If you qualify for a court appointed attorney, but there is a conflict of interest with the public defender's office, a private attorney may be appointed to represent you.

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In a few minutes, your assigned judge will call the docket. In light of the pandemic, we are taking all precautions to keep you safe. And due to the Supreme Court order, we are only allowed to have a certain number of people in the courtroom at a time. Please be sure to check in with a guard outside of the appropriate courtroom when you arrive. If you are a victim, please listen for your name.

02:59

The district attorney assigned to each courtroom will be calling out names of victims and defendants. If you are a defendant who is represented by an attorney, please let the district attorney know your attorney's name and the district attorney will speak to your lawyer directly.

03:16

If you go to the restroom or otherwise leave the courthouse without first talking to your attorney or the district attorney, you need to be sure and let the guard know when you have returned and check to see whether or not your name was called while you were away. We apologize for the inconvenience as we hope to be back to normal very soon.

03:38

After the docket is called, the assistant district attorneys, or you might hear them referred to as DAs or generals, who are in charge of prosecuting each case, will begin calling out names of defendants, witnesses, and victims to see who is present. The DA will ask to speak with defendants and witnesses outside of the courtroom in the hallway to discuss each case in preparation for a possible hearing or a possible resolution to the case, otherwise known as a plea agreement.

04:03

If you are a defendant and have an attorney, the DA can only speak directly to your attorney. If you are a witness or a victim of a particular crime who is subpoenaed to be in court today, or just a family member or friend of a particular witness or defendant, we understand that your time is valuable and we greatly appreciate you being in court here today. Please be patient as the DA will get to your case as soon as possible.

04:25

If you are waiting on your case to be called, please be as quiet as possible and do not have your cell phones out in the courtroom. If you need to use your phone or check a message, please do so outside of the courtroom and then return inside of the courtroom. Use of cell phones inside these courtrooms are safety issues and they will not be tolerated.

04:42

Finally, please be aware that Hamilton County offers various forms of treatment, compliance resources, and alternative sentences to certain types of defendants. If you are suffering from a substance use disorder, mental health issue, or are a veteran suffering from either or both, you may inquire about resources that are available, such as Drug Recovery Court or Mental Health Court.

05:03

While out in the hallway, the district attorney may discuss a possible plea agreement with the defendant regarding each and every criminal charge pending against that particular defendant. A plea agreement is simply this. It is your way as a defendant of resolving any and all criminal charges directly with the district attorney.

05:22

If you do settle the case, the plea agreement is reduced to writing, signed by the defendant and district attorney. If the defendant is represented by an attorney, the defense attorney also signs the plea agreement. After the plea agreement is put into writing and signed by the appropriate parties, it is brought before the judge,

05:40

The judge will then swear the defendant under oath and ask questions about that plea agreement to make sure that the defendant has agreed to all the terms, clearly understands those terms, and signed the agreement of his own free will with full knowledge of its contents.

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The defendant is allowed to change his or her mind about the plea agreement at any time before it is approved and signed by the judge. Please also keep in mind that a defendant is not required to enter into a plea agreement and will not be penalized if he or she does not do so.

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Each defendant has the constitutional right to have a jury trial in their case. We do not have jury trials in Sessions Court. If you wish to have a jury trial in your case, it will be necessary for your case to go to criminal court. In a moment, the judge assigned to your case will take the bench, advise you of your constitutional rights, and begin calling the Daily Docket. Thank you for your attention and have a great day.