

## **What Happens at Trial?**

First the jury is selected (unless the defendant elects to have a trial by judge, commonly referred to as a "bench trial"). Once the jury has been impaneled (seated for the duration of the trial), the proceedings begin. Defendants have a constitutional right to a public trial.

Opening statements come first. The prosecutor addresses the jury first, explaining the nature of the case and what he or she intends to prove happened. Then the defense attorney may offer an opening statement, or may reserve opening statement until after the prosecution has rested its case.

Next the prosecution puts on its case in chief, which usually involves direct testimony by witnesses and the introduction of any physical evidence against the defendant, such as a gun or other implements of the alleged crime. Defense attorneys may cross-examine the prosecution witnesses by asking questions designed to negate the guilt of their client. After all prosecution witnesses have testified, the process repeats itself in reverse, with the defense putting on any witnesses it may have.

The defense, however, is not required to offer any witnesses, nor are defendants required to testify unless they so choose upon the advice of their attorney--the prosecution bears the burden of proving the defendant's guilt beyond a reasonable doubt.

When the defense has rested, the prosecutor will give a closing argument, summing up the evidence presented against the defendant. The defense attorneys will then make their own closing argument. The prosecutor has one last chance for a rebuttal argument, addressing the points made by the defense in closing. The judge then instructs the jury on the law to apply in deciding the case.