

All Clerks Ever Wanted to Know About . . .

Trial Type in Criminal Cases

To determine the trial type in a criminal case, look at the sentencing order.

Trial type: Plea

Offense #1

Presumptive Sentence ☐ Prison Sentence of _____ months ☐ Community Corrections Center ☐ Alternative Sanction

Defendant Sentence* (see Page 2)

Imposed ☐ ADC ☐ Jud. Tran. ☐ County Jail _____ months

Probation _____ months

SIS _____ months

Other ☐ Life ☐ LWOP ☐ Death

Victim Info# (See page 2) ☐ N/A **Age** _____ **Sex** ☐ Male ☐ Female **Race & Ethnicity** ☐ White ☐ Black ☐ Asian ☐ Native American ☐ Pacific Islander ☐ Other ☐ Unknown ☐ Hispanic

Defendant voluntarily, intelligently, and knowingly entered a

☐ negotiated plea of ☐ guilty or ☐ nolo contendere.

☐ plea directly to the court of ☐ guilty or ☐ nolo contendere.

Defendant:

☐ was sentenced pursuant to ☐ §§16-93-301 et seq., or ☐ other §§ _____

☐ entered a plea and was sentenced by a jury.

☐ was found guilty by the court & sentenced by ☐ court ☐ jury.

☐ was found guilty at a jury trial & sentenced by ☐ court ☐ jury.

☐ was found guilty of lesser included offense by ☐ court ☐ jury.

Sentence is a Departure ☐ Yes ☐ No **Sentence Departure is** ☐ Durational or ☐ Dispositional.

If durational, state how many months above/below the presumptive sentence: _____

Departure Reason (See page 2 for a list of reasons)

Aggravating # _____ or Mitigating # _____. For Agg. #16 or Mit. #10, _____

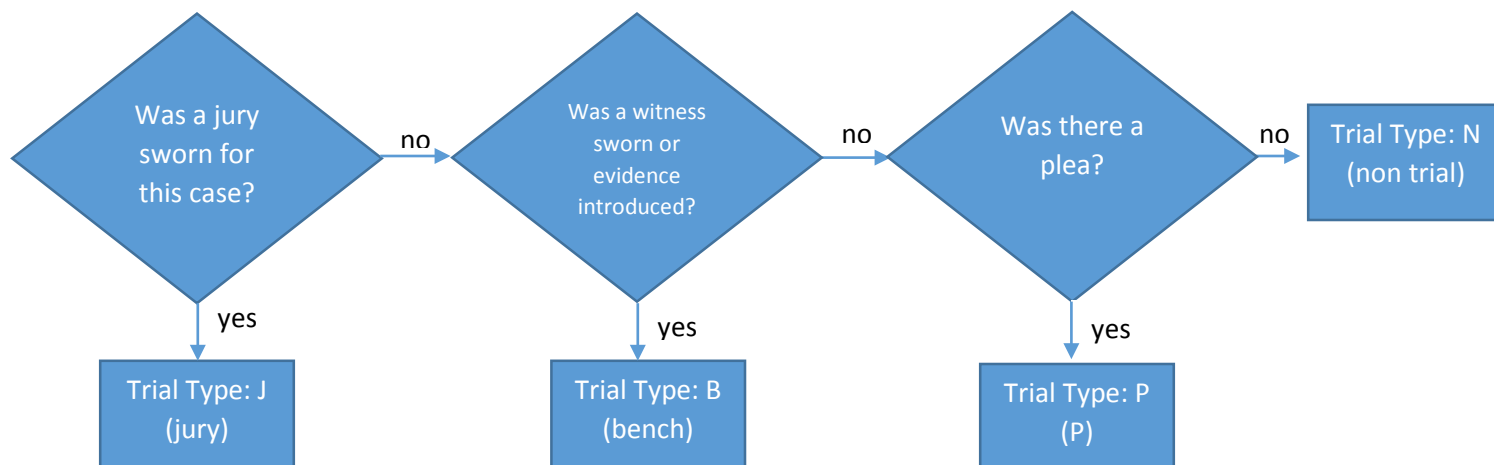
or if departing from guidelines, please explain: _____

Sentence will run: ☐ Consecutive ☐ Concurrent

to Offense # _____ or Case # _____

Trial Type: Jury or Bench

Then consider the following questions:



Or, to translate it from the sentencing order:

Negotiated or entered a plea	P (plea)
Entered a plea and was sentenced by a jury	J (jury)
Was found guilty by the court & sentenced by court	B (bench)
Was found guilty by the court & sentenced by jury	J (jury)
Was found guilty at a jury trial & was sentenced by court	J (jury)
Was found guilty at a jury trial & was sentenced by jury	J (jury)
Was found guilty of lesser included offense by court	B (bench)
Was found guilty of lesser included offense by jury	J (jury)

This should be entered in the trial type filed in CMAINIT, overwrite it if necessary.