

Pleading Not Guilty

If you want to contest the charge(s) that has been filed against you, you must plead “not guilty”. If you plead not guilty you will be scheduled for a pre-trial conference. In some cases, you may be able to enter your not guilty plea with the court clerk and have your case set for a pre-trial conference without seeing the judge. For other cases, you will need to enter your plea of not guilty in court with the judge present. At the pre-trial conference, you will meet with the prosecutor to discuss your case. Sometimes a plea agreement can be entered into. The judge will then determine whether the plea agreement will be accepted. The judge is not required to accept a plea agreement. However, the judge will inform you of that decision, and will allow you to reconsider before entering a plea. If a resolution cannot be reached at the pre-trial conference, a trial will be scheduled.

Jury trials, by law, are not provided for infractions. All misdemeanor trials are bench trials (where the judge is the trier of fact) unless a party makes a written demand for a jury no later than 10 days before trial. (Your trial may be rescheduled to allow time to gather a jury.)

At a trial, the prosecution has the burden of proof, which is “beyond a reasonable doubt” in most criminal cases. Additional information about the rules and procedures governing trial may be found [here](#). If you are found “not guilty” your case will be closed. If you are found “guilty,” you will proceed with sentencing.