

GETTING ADVICE

If you have been arrested or charged with a crime, you may want to retain a lawyer to represent you in any subsequent court proceedings. However, you have the right to represent yourself in the presentation of your defense. Student Legal Services may not represent West Virginia University students in criminal matters.

Student Legal Services may be able to refer you to an attorney for court representation. Contact our office for a referral list for the crime with which you have been charged. You may also consult the Yellow Pages for attorneys who specialize in criminal matters. Many attorneys advertise a free initial consultation.

If the crime with which you are charged has as a potential sentence of jail time, then you could qualify for a free court-appointed attorney. While you will be responsible for court costs and other fees associated with the charge, the legal expenses will be free if you qualify for a court-appointed attorney in Monongalia County, West Virginia. To find out if you qualify, please contact the magistrate clerk's office.

Finally, if you want to work out a plea agreement concerning the crime with which you have been charged, you can contact the city attorney or prosecuting attorney to do so. Both the prosecuting attorney and city attorney are accustomed to attempting to arrange plea agreements. Be aware that if you make a plea agreement, you are agreeing to plead guilty in exchange for a lesser charge, lesser sentence, lesser fine, or some other benefit to you.



Student Legal Services is located in Room G-5 in Elizabeth Moore Hall, across the street from the Mountainlair on the downtown campus.

STUDENT LEGAL SERVICES

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Disclaimer

This pamphlet does not constitute legal advice, nor is it intended as a substitute for legal advice.

Criminal Information for Student Defendants

STUDENT LEGAL SERVICES



Student Affairs · Office of Student Life

 West Virginia University.

CRIMINAL PROCEDURE

First, if you have not been arrested, a police officer or citizen may make a complaint to the magistrate or municipal judge, asserting that you have committed a crime.

Next, if probable cause exists indicating that you have committed a crime, either an arrest warrant or a summons will be issued. An arrest warrant is given to a police officer making an arrest. On the other hand, a summons stating the time and place to appear before a magistrate or municipal judge will be distributed to you. If you do not appear in response to a summons, a warrant for your arrest will be issued.

If you are arrested, bond will be set by a magistrate or judge. You must pay the bond in order to be released from custody. You may have a friend or relative post bond for you, or you may seek the services of a professional bondsman. During this phase of criminal procedure, you have a choice to enter into plea negotiations with the prosecuting attorney or city attorney. You or your attorney will need to contact the arresting officer to determine whether he/she will consider a plea agreement. The decision to accept a plea agreement lies with the prosecuting attorney or city attorney and ultimately with the magistrate or judge.

If you have been issued a citation for a misdemeanor violation, the citation must state the offense charged and the time and place you are to appear in response to the charge. At the time, you will be required to enter a plea of not guilty, guilty, or no contest. If you plead not guilty, the trial will be held at the time you enter the plea; be prepared with all supporting documents and witnesses at the time you enter the plea. If you plead guilty, you give up your right to a trial and will be convicted of the offense. The penalty will be imposed at the time. If you plead no contest, you neither admit nor deny that you committed the crime. You also give up your right to a fair trial and will be sentenced as appropriate.

If you have been issued a citation for a felony violation, before your first appearance in front of the magistrate or judge, you will be required to enter a plea of either not guilty, guilty, or no contest. If you plead not guilty, a trial date will be set. If you plead guilty, you will give up your right to a trial and will be convicted of the crime. Your sentencing will take place either at the time of the hearing or at a later date. If you plead no contest, you neither admit nor deny that you committed the crime. By pleading no contest, you will also give up your right to a trial and will be sentenced as appropriate.

You have a right to request a jury trial when a possible punishment includes jail time. At trial, the prosecuting attorney or city attorney must prove beyond a reasonable doubt that you committed the crime(s) before you can be found guilty by a judge or jury.

You have the right to appeal a magistrate court decision to a circuit court within twenty days. You have the right to appeal a municipal court decision within ten days.

MISDEMEANORS & FELONIES

There are two categories of criminal offenses. If the crime with which you have been charged is an offense for which the punishment is one year or less in jail, then the crime is a misdemeanor. A crime is a felony if punishment is one year or more in jail.

FOR MORE INFORMATION

For more information, please contact WVU Student Legal Service's office at (304) 293- 4897. We are located in Room G-5 of Elizabeth Moore Hall across from the Mountainlair. Our office hours are 8:15 am to 4:45 pm Monday through Friday.