

# OUI TRIAL in MA

# The Court Process & PROTECTING YOUR RIGHTS



**Important to Know:** Many OUI cases in Massachusetts that proceed to trial can take more than a year before they are heard before a Judge or Jury.

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## The Arraignment

The first time that a defendant appears in court for a criminal charge.

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## The Pre Trial Conference

The hearing the judge sets so that he can determine whether the parties are ready to go to trial. During your PTC, your attorney demands discovery of the evidence that the District Attorney has against you.

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## Compliance & Election

During the Compliance & Election hearing, your lawyer will ensure that the DA has provided all of the evidence they have collected against you. To successfully defend an OUI case your lawyer needs to critically examine the evidence and then show why that evidence does not support a conviction against you.

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## Disputing Evidence - Motions

Motions are requests of the judge, asking anything from a simple change in the date of a trial to a motion to dismiss the entire case. Before a trial, the defense can file a multitude of motions, which may greatly alter your charges, or in some cases, have them dismissed outright.

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## The Trial

There are two types of OUI trials in MA - a bench trial and a jury trial. A bench trial differs from a jury trial, as it is only heard in front of a judge, rather than a panel of six jury members from your surrounding community. Bench trials are common in the defense of a client charged with a first or second OUI offense in MA.