

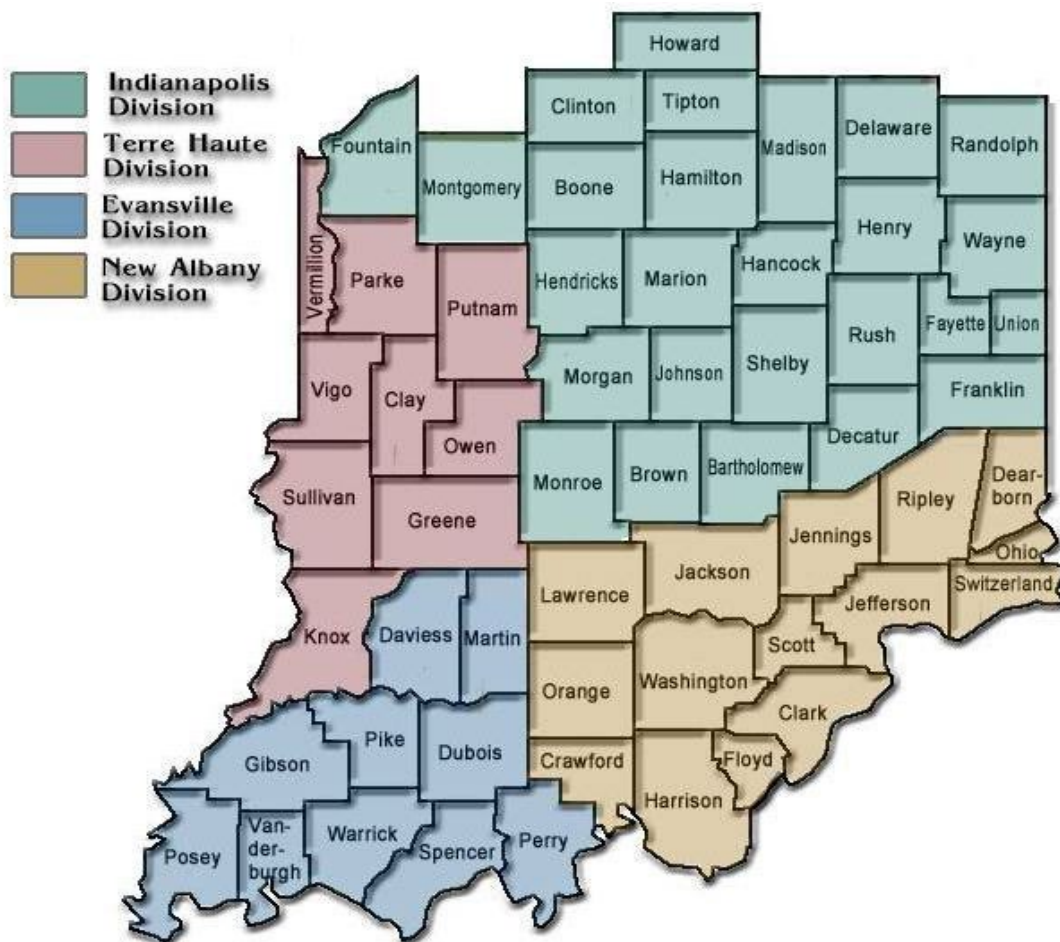
# GUIDE FOR THE MEDIA

## U.S. Attorney’s Office, Southern District of Indiana

The United States Attorney’s Office for the Southern District of Indiana (USAO) is a component of the United States Department of Justice, which enforces federal law and represents the U.S. Government in federal court in the Southern District of Indiana. The USAO is led by the United States Attorney, a position appointed by the President and confirmed by the Senate.

The USAO handles both criminal and civil matters. On the criminal side, the USAO prosecutes violations of federal law that occur in the Southern District of Indiana, working in partnership with federal, state, and local law enforcement to do so. Civilly, the USAO represents agencies of the U.S. Government in lawsuits and, in some circumstances such as when the U.S. Government has been defrauded, brings lawsuits on behalf of the U.S. Government. The USAO also handles appeals of criminal and civil cases at the U.S. Court of Appeals for the Seventh Circuit in Chicago. For more information about the USAO’s priorities, please see the USAO’s Strategic Plan at [Strategic Plan](#).

The Southern District of Indiana is one of the 94 federal judicial districts in the country. It consists of the southern 60 counties of the State of Indiana. The district itself is divided into four divisions: Indianapolis, Terre Haute, Evansville, and New Albany—the four cities in which there are federal courthouses. The map below depicts the district and the four divisions.



## **AVAILABILITY OF INFORMATION**

Federal court proceedings are generally conducted in public. Trials and court hearings are generally open to the public. And, documents filed in federal court, such as criminal indictments, civil pleadings, or court orders, are generally made digitally available on the U.S. Judiciary's Public Access to Court Electronic Records or "PACER" system at [www.pacer.gov](http://www.pacer.gov). Hard-copy records can also be obtained from the Office of the Clerk of Court for the Southern District of Indiana. Additional information regarding access to court records can be obtained from the court website for the Southern District of Indiana, at [Media Resources US Southern District Court](#)

## **INFORMATION FROM THE USAO**

In some cases, the USAO may issue a press release or provide public comment regarding certain events. With regard to press releases or comments about particular cases, the information provided by the USAO will generally be limited to publicly available information presented in federal court. In general, the USAO will neither confirm nor deny the existence of a federal investigation or any non-public aspect of a publicly filed case. Additionally, in general, the USAO will not provide information in the following circumstances:

- Classified information.
- Information that is sealed pursuant to federal court order.
- Information that reasonably could have a substantial likelihood of materially prejudicing a legal proceeding.
- Information concerning a criminal defendant's prior criminal record, except where prior conviction is an element of the current charge, and such information is part of the public record in the case at issue.
- Photographs of a criminal defendant—unless the release of a photograph serves a law enforcement function such as the apprehension of a fugitive from justice.

## **CONTACT US**

- Inquiries, comments, and requests shall be directed to Kelsie Clayton, Communications and Community Outreach Officer at [Kelsie.Clayton@usdoj.gov](mailto:Kelsie.Clayton@usdoj.gov)
- Website: <https://www.justice.gov/usao-sdin>
- Twitter: @SDINnews
- Facebook: @SDINnews

## THE PROGRESSION OF A CRIMINAL CASE IN THE FEDERAL COURT SYSTEM

*Federal Charges.* A federal defendant can be charged in three ways:

1. **Criminal Complaint:** A criminal complaint is a federal criminal charge authorized by a federal judge. A complaint contains a sworn statement by a federal law enforcement officer that sets forth the facts of what happened and who did it. If the judge finds probable cause that the defendant committed a federal crime, the court will issue the complaint and frequently will also issue a warrant for the defendant's arrest. A complaint often becomes publicly available after the defendant is arrested and appears in federal court. However, a defendant may not be tried or convicted on a criminal complaint. Rather, the U.S. Constitution and federal law requires either an indictment issued by a grand jury, or a charging document called an "information" when a defendant waives the right to grand jury indictment.
2. **Indictment:** The U.S. Constitution affords federal defendants a right to be tried and convicted of federal felony charges in a document called an "indictment" issued by a federal grand jury. The grand jury consists of 23 citizens who review evidence presented by federal prosecutors to determine whether there is probable cause that the proposed defendant committed the crimes alleged in the proposed indictment. If the grand jury finds probable cause, the indictment is issued by the court. The grand jury may later add or change charges against a defendant, which are often reflected in a document called a "superseding indictment."
3. **Information:** A defendant may choose to waive their Constitutional right to a grand jury indictment, and instead allow the case to proceed by a document called an "information." Like an indictment, an information contains federal charges against a defendant. It differs from an indictment in that the information is issued by the United States Attorney rather than the grand jury.

*Initial Hearing.* Once federal charges are filed (whether complaint, indictment, or information), the court will issue an arrest warrant or a "summons" (an order to appear in court). The defendant's first appearance in federal court is referred to as an "initial appearance," which takes place before a federal magistrate judge. At that hearing, the defendant is made aware of the charges and certain of their legal rights, and an automatic not-guilty plea is entered on their behalf (for this reason, defendants rarely have a separate, formal "arraignment" in this district).

*Pretrial Release or Detention.* In federal court, a defendant is only held in custody pending trial if a federal magistrate judge finds that the defendant poses an unreasonable risk of flight or non-appearance in court, or when certain charges are filed, if the defendant poses an unreasonable danger to the community. Otherwise, the court will release the defendant and issue an order setting forth the rules the defendant must follow while released pending trial. The defendant's ability to pay bond or bail does not affect a federal court's pretrial release or detention determination. If a defendant violates the rules of their pretrial release, the court may impose additional rules or order the defendant detained pending trial.

***Trial.*** Every defendant is innocent until proven guilty and has the Constitutional right to a jury trial for felony charges. Trials are open to the public. Trials begin with jury selection, also called “voir dire,” and then, the lawyers give opening statements in which the prosecution and defense each summarize what evidence they expect the jurors will see and hear during the trial. Then, because the government bears the burden to prove the charges beyond a reasonable doubt, the government presents its evidence first, including witness testimony and exhibits, such as photo and video evidence, audio from wiretaps, evidence seized during search warrants, and documents and financial records. During the government’s case, the defense lawyer will cross-examine the government’s witnesses. After the government finishes its evidence, the defense may—but is not required to—put on evidence of its own. (Jurors cannot hold it against the defendant if the defendant elects not to testify or the defense does not to put on evidence.) After all the evidence, the lawyers present closing arguments, explaining why the evidence shows that the defendant is guilty beyond a reasonable doubt or not. The jurors then deliberate in secret and return with their verdict, either guilty or not guilty as to each charge.

***Guilty Plea.*** Many defendants ultimately elect to waive their right to trial and plead guilty to one or more of the charges against them. A defendant may plead guilty to charges with or without entering into a plea agreement with the government.

In the Southern District of Indiana, a defendant who elects to plead guilty will alert the court to their intended guilty plea by filing a petition and/or a plea agreement. The court will then schedule a guilty plea hearing, or a combined guilty plea and sentencing hearing. These hearings are generally public proceedings, notice of which is given on the public docket for the case in the PACER system.

***Sentencing.*** Once a defendant is found guilty at trial or files a petition to plead guilty, the U.S. Probation Office conducts a “presentence investigation” and prepares a report. This report, which by law is not publicly available, includes a summary of the offense conduct, a proposed calculation of the advisory federal criminal sentencing guidelines, and a thorough biography of the defendant, including their criminal history, family history, medical and mental health history, and other relevant information.

At the sentencing hearing, a federal judge will review the presentence report and calculate the advisory sentencing guidelines range. The sentencing guidelines seek to consider the defendant’s criminal conduct and criminal history, and then produce a sentencing range that the judge must consider but is not required to follow.

Victims, prosecutors, defense counsel, and the defendant all have a right to submit materials for the court to consider prior to sentencing and to address the court at the sentencing hearing. Lawyers for the government or the defense may also seek to present evidence to the court. Sentences are ultimately determined by the judge, in compliance with federal rules and the criminal penalties imposed by Congress. Possible penalties for federal criminal offenses include imprisonment, probation, fines, and restitution. The federal Bureau of Prisons determines at which facility in the United States a defendant will serve their sentence.

*Appeal.* Every defendant has the right to appeal their conviction and sentence, but many defendants choose to waive their right to appeal as part of a plea agreement. Appeals from judgements in the Southern District of Indiana are heard by the United States Court of Appeals for the Seventh Circuit, based in Chicago.

### **PUBLIC ACCESS TO THE COURTS**

Federal courtrooms are generally open to the public, so journalists do not need special credentials, just government-issued photo identification—such as a driver’s license—to get into U. S. District Court facilities in the Southern District of Indiana. However, for high-profile hearings or trials that are expected to attract a large number of journalists, the court may issue a Decorum Order with specific restrictions or requirements for courtroom access, seating, and other logistical issues, such as the location of an “overflow room.”

The court has issued rules for the district’s facilities, including rules and restrictions on the possession or use of electronic devices, as well as COVID-related procedures, which can be found on the court’s website at <https://www.insd.uscourts.gov/media-resources>.