

The Criminal Justice Process

As the case moves through the Federal court system, there are several events that typically occur.

INVESTIGATION

ARREST

DETENTION HEARING (POSSIBLE)

The Government is seeking to detain of the defendant and may do so based on the statement of the prosecutor or by presenting witnesses and exhibits.

PRELIMINARY HEARING

A Judge determines if there is sufficient probable cause to charge the defendant. This only occurs if the defendant has not been charged by the grand jury.

or

GRAND JURY HEARING

A Grand Jury hears evidence in a non-public proceeding and may issue a formal charge called an Indictment.

An Arrest Warrant may be issued at this time.

ARRAIGNMENT

A defendant appears in court and hears the charge(s) against him/her. At this time, the defendant typically enters a plea of not guilty.

DISCOVERY, PLEA NEGOTIATIONS & MOTIONS

This may include hearings & rulings on motions concerning the admissibility of evidence, trial issues, or a possible guilty plea from the defendant.

TRIAL

The Government presents its case with witnesses, followed by the defendant's case. The trial generally results in a verdict by a jury.

PRE-SENTENCE INVESTIGATION & REPORT PREPARED

After a finding of guilt, a pre-sentence report is prepared for the judge by U.S. Probation, at which time you have the right to submit written victim impact statements.

SENTENCE

APPEAL