

Tell The Truth

Thank you for your cooperation and for your service as a witness. We appreciate the sacrifice of time that being a witness requires. The federal criminal justice system cannot function without the participation of witnesses. The cooperation and truthful testimony of witnesses are essential to the proper determination of guilt or innocence in a criminal case. We hope this flyer will answer many of your questions and will give you sufficient general information to understand your rights and responsibilities.

United States Attorney's Office
District of South Dakota

PO Box 2638
Sioux Falls, SD 57101-2638

FEDERAL CRIMINAL JUSTICE PROCESS



For more information,
contact the
United States Attorney's Office

Pierre SD
800-603-8157 or 605-224-5402
Rapid City SD
800-603-3750 or 605-342-7822
Sioux Falls SD
800-804-6790 or 605-330-4400

Federal Criminal Justice Process

(Normal Process)

1. CRIME REPORT

- * Federal crime can be reported to Tribal Police, Bureau of Indian Affairs (BIA) or Federal Bureau of Investigation (FBI)

2. INVESTIGATION

- * Felony crime will be investigated by tribal investigator or BIA and FBI.

3. GRAND JURY

- * Determines if probable cause exists to believe a crime has been committed and defendant committed it;
- * Victim and/or witnesses may testify
- * If it is determined probable cause exists, the case is "bound over" to federal district court.

4. ARREST

- * Arrest is made on "probable cause" (reason to believe a crime has been committed). A warrant must be requested by the U.S. Attorney and issued by the Clerk of the District Court.

5. INITIAL APPEARANCE (by accused)

- * Advised of rights
- * Advised of charges
- * Counsel (attorney) is appointed

6. DETENTION HEARING

- * It is determined if defendant should be held in jail pending trial or released on conditions.
- * Victim has the right to be heard.

7. ARRAIGNMENT

- * Accused is advised of charges & possible penalties;
- * Plea is entered (only not guilty)

8. BEFORE TRIAL

- * Motions hearings
- * Victim and witnesses meet with prosecutor

9. TRIAL OR GUILTY PLEA

• GUILTY PLEA

- * Victim has the right to be heard

• IF TRIAL

- * Jury selection
- * Federal government presents case
- * Victim and witnesses testify & are cross-examined by defense
- * Defense presents case
- * Federal government rebuttal
- * Closing arguments

- * Jury instructions

10. PRE-SENTENCE INVESTIGATION (If guilty)

- * Includes Victim Impact Statement (emotional injury and financial loss resulting from the crime)

11. SENTENCING

- * Victim has the right to be heard

12. APPEAL - FEDERAL COURT OF APPEALS

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