

MAP OF THE FEDERAL CRIMINAL PROCESS

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1. BEGINNING A CRIMINAL CASE

1.1 THE CHARGES

What is a criminal charge? A criminal charge can be brought by the government against a defendant that alleges a completed or attempted crime.

1.2 THE ARREST

A defendant can be arrested before arraignment, but an arrest usually happens after trial, and rarely or not at all unless an arrest warrant has been issued.

1.3 THE GRAND JURY

A grand jury includes 16-23 people who decide whether to return a indictment, the agreement of 12 grand jurors is required to indict a defendant.

1.4 PROPER VENUE

State or federal court is determined by the location of the crime and the location of the defendant.

2. COURT APPEARANCES BEFORE TRIAL

2.1 OBTAINING A DEFENSE LAWYER

A defendant has the right to hire a lawyer, and the Court can appoint one, or can bring a lawyer and defendant together to discuss an agreement to hire one.

2.2 FIRST APPEARANCE

The first appearance is the first time a defendant appears in court. At this appearance, the defendant is advised of the charges and the consequences of the charges, the defendant is advised of the right to a lawyer, and the defendant is advised of the right to remain silent.

2.3 THE ARRAIGNMENT

At the arraignment, a defendant enters a plea to the charges, and the Court sets a date for the preliminary hearing.

2.4 THE PRELIMINARY HEARING

The preliminary hearing occurs within 14 days of the defendant's arrest. The purpose of the hearing is to determine if there is probable cause to believe the defendant committed the crime.

2.5 THE DETENTION HEARING

If a defendant is in custody based on the charges alleged, a detention hearing will be held. At a detention hearing, a magistrate judge will decide if there is probable cause to believe the defendant committed the crime, and if not, the defendant will be released.

3. ACTIVITY BEFORE TRIAL

3.1 EVIDENCE PROVIDED TO THE DEFENDANT

The defendant has the right to see the evidence against them, and the government must provide copies of the evidence to the defendant.

3.2 EVIDENCE PROVIDED TO THE GOVERNMENT

The defendant may have to provide certain evidence to the government.

3.3 SUBPOENAS

A subpoena is used to compel evidence or to require a witness to testify in court. It is used to compel a witness to testify.

3.4 MOTIONS

A party files a motion with the Court to take certain actions, such as to suppress evidence, request a continuance, request a continuance, or request a continuance.

3.5 NOTICES OF EVIDENCE

A notice of evidence is a document that informs a party of the evidence against them, and the government must provide copies of the evidence to the party.

3.6 MONITORING THE SPEEDY TRIAL CLAUSE

Charged by indictment, a defendant is entitled to a speedy trial. The right to a speedy trial is guaranteed by the Constitution.

4. RESOLVING THE CASE WITHOUT A TRIAL

4.1 DISMISSAL OR DIVERSION

The court may dismiss a case or divert it to a diversion program. The government may choose to dismiss a case or offer the defendant a diversion program.

4.2 PLEADING GUILTY BY PLEA AGREEMENT

A defendant can plead guilty to a charge by entering into a plea agreement with the government.

4.3 PLEADING GUILTY WITHOUT A PLEA AGREEMENT

Alternatively, a defendant can plead guilty to a charge without a plea agreement with the government.

5. TRIAL

5.1 JURY SELECTION

The selection of a jury is a critical part of the trial. The Court will select a jury from a pool of potential jurors.

5.2 OPENING STATEMENTS BY LAWYERS

The opening statements are the first statements made by the lawyers to the jury. They set the stage for the trial.

5.3 THE GOVERNMENT'S WITNESSES & EVIDENCE

After the opening statements, the government will call its witnesses and present its evidence. The government must prove its case beyond a reasonable doubt.

5.4 MOTION FOR JUDGMENT OF ACQUITTAL

After the government has finished its case, the defendant may move for a judgment of acquittal. The Court will grant the motion if there is not enough evidence to support the charges.

5.5 THE DEFENDANT'S WITNESSES & EVIDENCE

After the government has finished its case, the defendant may call its witnesses and present its evidence. The defendant must prove its case beyond a reasonable doubt.

5.6 THE GOVERNMENT'S REBUTTAL WITNESSES & EVIDENCE

After the defendant has finished its case, the government may call its rebuttal witnesses and present its evidence. The government must prove its case beyond a reasonable doubt.

5.7 RENEWED MOTION FOR JUDGMENT OF ACQUITTAL

After the government has finished its case, the defendant may move for a renewed judgment of acquittal. The Court will grant the motion if there is not enough evidence to support the charges.

5.8 CLOSING ARGUMENTS

After the evidence is presented, the government and the defendant will make closing arguments. They will summarize the evidence and ask the jury to find the defendant guilty or not guilty.

5.9 JURY INSTRUCTIONS

The judge will give the jury instructions. These instructions tell the jury what they need to know to make a decision.

5.10 THE VERDICT

The jury will return a verdict. The jury can find the defendant guilty or not guilty. If the jury finds the defendant guilty, the Court will sentence the defendant.

6. SENTENCING

6.1 THE PRESENTENCE INVESTIGATION REPORT (PSIR)

The PSIR is a report prepared by a probation officer and sent to the Court. It includes a description of the defendant's criminal history, personal history, and recommendations for sentencing.

6.2 OBJECTING TO THE PSIR

Both the defendant and the government have the right to object to the PSIR. The Court will hold a hearing to resolve the objections.

6.3 THE SENTENCING HEARING

At the sentencing hearing, the Court will hear from the defendant, the government, and the probation officer. The Court will then enter a sentence.

7. ACTIVITY AFTER SENTENCING

7.1 APPEAL

A party can appeal a conviction or sentence. The appeal is heard by a higher court. The party must file a notice of appeal within a certain time frame.

7.2 CORRECTING OR REDUCING A SENTENCE

A sentence can be corrected or reduced if there was a clear error. The Court will grant the motion if there is a clear error.

7.3 CHALLENGING A CONVICTION OR SENTENCE

A conviction or sentence can be challenged if there was a constitutional violation. The Court will grant the motion if there was a constitutional violation.

7.4 CHALLENGING AN ASPECT OF HOW A SENTENCE IS CARRIED OUT

A defendant can challenge the conditions of a sentence or the way a sentence is carried out. The Court will grant the motion if there was a constitutional violation.

7.5 SUPERVISED RELEASE

After a sentence is entered, the defendant may be placed on supervised release. The defendant must follow the conditions of the supervised release.

Criminal Process

Julia Schneider



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