

ARREST

MISDEMEANOR

FELONY
Requires a determination of probable cause.

PRE-TRIAL MATTERS

- The case is placed on the judge’s docket, and arraignment occurs.
- There may be several pre-trial hearings.
- There may be plea negotiations, and a plea may be entered.
- There may be pre-trial motions, such as a motion to quash arrest for lack of probable cause or a motion to suppress a confession or statement as involuntary or because it violates Miranda.
- If none of these motions are granted, or if some are granted but do not dispose of the case, the case is set for trial.

TRIAL

The trial may be bench or jury. Trial phase includes:

1. Jury selection if applicable
2. Opening Statements
3. Prosecution’s case-in-chief
4. Motion for directed verdict, which may be made after the prosecution’s case or the defense case
5. Defense case-in-chief (if the defense chooses to put on evidence)
6. Closing arguments
7. Jury instructions and jury deliberations

A guilty verdict results in a sentencing hearing, and a motion to set aside the verdict is entered.

SENTENCING

APPEAL

PRELIMINARY HEARING

Questions asked:

1. Was there a crime committed?
2. Is it likely or probable that the defendant committed that crime?

If the answer to both questions is “yes,” then the defendant is “bound over” on the charge(s).

GRAND JURY

Probable cause determination made by a jury that meets in secret and deliberates the same questions asked in a preliminary hearing.

TRIAL INFORMATION

Probable cause determination made by a judge based on written summaries of witness testimonies provided by the prosecutor.