

Stages of a Criminal Case

Crime is committed/reported



Investigation by Law Enforcement
(Reports are submitted by law enforcement, and
the County Attorney issues a summons or warrant.)



Suspect Located and/or Arrested



When the most severe charge is a
FELONY



First Appearance

The defendant is informed of the charges, an attorney is appointed, and a date is set for a preliminary hearing. No evidence is presented.



Preliminary Hearing

The State presents evidence to establish "probable cause" that the defendant committed a felony. If the court finds sufficient evidence, the defendant is bound over for trial; if the court does not find sufficient evidence, the defendant goes to trial for any misdemeanor charges. Subpoenas are issued for this hearing.



Arraignment

This is basically another first appearance, but counsel has already been appointed. The defendant will either enter a plea of guilty and the case proceeds to sentencing, or he/she will enter a plea of not guilty and trial date is set. No evidence is presented.

When the most severe charge is
MISDEMEANOR



First Appearance

The defendant is informed of the charges, and an attorney can be appointed to represent the defendant. The defendant may choose to enter a plea of guilty at this time, and the case would proceed to sentencing. No evidence is presented.



Formal Arraignment

A date is set for trial.



Trial

The trial can be heard by either the Judge or a jury. In a misdemeanor case 6 jurors are called. All victims and witnesses will be subpoenaed to testify.



Sentencing

Witnesses are not subpoenaed, but all victims are encouraged to fill out a Victim Impact Statement prior to sentencing. The Judge will take the victim's

comments into consideration at sentencing. Each victim has the right to address the court in person at sentencing.



Trial

The trial can be heard by either the Judge or a jury. In a felony case 12 jurors are called; in a misdemeanor case 6 jurors are called. All victims and witnesses will be subpoenaed to testify.



Sentencing

Witnesses are not subpoenaed, but all victims are encouraged to fill out a Victim Impact Statement prior to sentencing. The Judge will take the victim's comments into consideration at sentencing. Each victim has the right to address the court in person at sentencing.