

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. A defendant can be charged before, during, or after an arrest. A defendant can be charged before, during, or after an arrest. A defendant can be charged before, during, or after an arrest. A defendant can be charged before, during, or after an arrest.

1.2 THE ARREST

A defendant can be arrested before, during, or after an arrest. A defendant can be arrested before, during, or after an arrest. A defendant can be arrested before, during, or after an arrest.

1.3 THE GRAND JURY

A grand jury consists of 12 people who decide whether to return a indictment. The grand jury is composed of 12 people who decide whether to return a indictment.

1.4 PROPER VENUE

Each case is heard in a specific court. The 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. If a defendant cannot afford a lawyer, the court will appoint one for them.

2.2 FIRST APPEARANCE

The first appearance is the first court appearance. It is held within 48 hours of arrest. The defendant is informed of their rights and the charges against them.

2.3 THE ARRAIGNMENT

At the arraignment, the defendant enters a plea. The defendant can plead guilty, not guilty, or no contest.

2.4 THE PRELIMINARY HEARING

The preliminary hearing is held within 14 days of the defendant's arrest. The judge determines if there is probable cause to believe the defendant committed the crime.

2.5 THE DETENTION HEARING

If a defendant is arrested on a criminal charge, the judge will determine if the defendant should be held in custody. The judge will consider the defendant's criminal history and the nature of the crime.

3. ACTIVITY BEFORE TRIAL

3.1 EVIDENCE PROVIDED TO THE DEFENDANT

The defendant has the right to see the evidence against them. The defendant can also hire a lawyer to help them understand the evidence.

3.2 EVIDENCE PROVIDED TO THE GOVERNMENT

The defendant has the right to see the evidence against them. The defendant can also hire a lawyer to help them understand the evidence.

3.3 SUBPOENAS

A subpoena is a court order that requires a person to appear in court. A subpoena can be used to compel a witness to appear in court or to produce documents.

3.4 MOTIONS

A motion is a request to the court for a ruling on a legal issue. A motion can be used to challenge the evidence against the defendant or to request a change in the trial process.

3.5 NOTICES OF EVIDENCE

A notice of evidence is a document that informs the defendant of the evidence against them. The notice must be provided to the defendant at least 14 days before trial.

3.6 MONITORING THE SPEEDY TRIAL CLAUSE

The Sixth Amendment guarantees the right to a speedy trial. The defendant has the right to challenge the government if the trial is delayed for an unreasonable period of time.

4. RESOLVING THE CASE WITHOUT A TRIAL

4.1 DISMISSAL OR DIVERSION

The government might choose to dismiss the charges or divert the case. Dismissal means the government is dropping the charges. Diversion means the government is offering an alternative to prosecution.

4.2 PLEADING GUILTY BY PLEA AGREEMENT

A defendant can plead guilty to a crime in exchange for a plea agreement. A plea agreement is a contract between the defendant and the government.

4.3 PLEADING GUILTY WITHOUT A PLEA AGREEMENT

A defendant can plead guilty to a crime without a plea agreement. This is called a nolo contendere plea. It means the defendant does not want to contest the charges.

5. TRIAL

5.1 JURY SELECTION

The jury is selected from a pool of potential jurors. The judge will ask the jurors questions to determine if they are qualified to serve on the jury.

5.2 OPENING STATEMENTS BY LAWYERS

The prosecution and the defense will make opening statements. The prosecution will go first, followed by the defense. The judge will then give the jury instructions.

5.3 THE GOVERNMENT'S WITNESSES & EVIDENCE

The government will present its case first. The government will call witnesses and present evidence. The defense will then present its case.

5.4 MOTION FOR JUDGMENT OF ACQUITTAL

The defense can make a motion for judgment of acquittal. This is a request for the judge to find the defendant not guilty. The judge will only grant this motion if there is not enough evidence to convict.

5.5 THE DEFENDANT'S WITNESSES & EVIDENCE

The defense will present its case next. The defense will call witnesses and present evidence. The government will then present its case.

5.6 THE GOVERNMENT'S REBUTTAL WITNESSES & EVIDENCE

The government will present its case last. The government will call witnesses and present evidence. The defense will then present its case.

5.7 RENEWED MOTION FOR JUDGMENT OF ACQUITTAL

The defense can make a renewed motion for judgment of acquittal. This is a request for the judge to find the defendant not guilty. The judge will only grant this motion if there is not enough evidence to convict.

5.8 CLOSING ARGUMENTS

The prosecution and the defense will make closing arguments. The prosecution will go first, followed by the defense. The judge will then give the jury instructions.

5.9 JURY INSTRUCTIONS

The judge will give the jury instructions. These instructions tell the jury what they need to know to reach a verdict. The jury will then deliberate and reach a verdict.

5.10 THE VERDICT

The jury will reach a verdict. The jury can find the defendant guilty or not guilty. The judge will then enter a judgment based on the verdict.

6. SENTENCING

6.1 THE PRESENTENCE INVESTIGATION REPORT (PSIR)

The PSIR is a report that provides information about the defendant. The PSIR is prepared by a probation officer. It includes information about the defendant's criminal history, social history, and family situation.

6.2 OBJECTING TO THE PSIR

The defendant can object to the PSIR. The judge will hold a hearing to determine if the defendant's objections are valid. The judge will then decide if the PSIR should be used.

6.3 THE SENTENCING HEARING

The sentencing hearing is held to determine the appropriate sentence for the defendant. The judge will consider the PSIR, the defendant's plea, and the defendant's criminal history.

7. ACTIVITY AFTER SENTENCING

7.1 APPEAL

The defendant can appeal the sentence. An appeal is a request for a higher court to review the sentence. The defendant must file an appeal within a certain period of time.

7.2 CORRECTING OR REDUCING A SENTENCE

The court can correct or reduce a sentence. This is done if there was a mistake in the sentencing process. The court can reduce the sentence if the defendant has good reasons for doing so.

7.3 CHALLENGING A CONVICTION OR SENTENCE

The defendant can challenge a conviction or sentence. This is done if the defendant believes the conviction or sentence is unfair. The defendant must file a challenge within a certain period of time.

7.4 CHALLENGING AN ASPECT OF HOW A SENTENCE IS CARRIED OUT

The defendant can challenge an aspect of how a sentence is carried out. This is done if the defendant believes the sentence is being carried out unfairly. The defendant must file a challenge within a certain period of time.

7.5 SUPERVISED RELEASE

Supervised release is a period of time that the defendant must spend under the supervision of a probation officer. The defendant must follow certain rules during supervised release.

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