

# MAP OF THE FEDERAL CRIMINAL PROCESS

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### 1. BEGINNING A CRIMINAL CASE

- 1.1 THE CHARGES**  
The most basic of federal criminal offenses is a *writ*. Criminal charges can be brought by the government against a defendant that follows a complaint, an indictment, or a subpoena.
- 1.2 THE ARREST**  
A defendant can be arrested before arraignment, but only after criminal charges are filed, and only on a warrant or arrest warrant being issued.
- 1.3 THE GRAND JURY**  
A grand jury includes 16-23 people who decide whether to return a subpoena, the agreement of 12 grand jurors is required to indict a defendant.
- 1.4 PROPER VENUE**  
State or federal courts are held in certain counties. District and federal courts are held in the U.S. District Court in a certain federal district.

### 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 a court hearing to discuss arraignment, bail, or the government's offer of a plea agreement, and the defendant's consent to the charges and to a plea agreement.
- 2.3 THE ARRAIGNMENT**  
At the arraignment, a defendant enters a plea (guilty, guilty, not guilty, or not guilty by reason of insanity).
- 2.4 THE PRELIMINARY HEARING**  
The preliminary hearing occurs within 14 days of the defendant's arrest, or the government's filing a complaint, or the government's filing a subpoena, or the government's filing a writ of habeas corpus.
- 2.5 THE DETENTION HEARING**  
If detention is an option based on the charges alleged, a detention hearing will be held. At a detention hearing, a magistrate judge will decide whether a person is detained (with or without conditions) or released under existing rules that allow "bond" to be set.

### 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 evidence to the defendant.
- 3.2 EVIDENCE PROVIDED TO THE GOVERNMENT**  
The defendant must have the opportunity to provide evidence to the government.
- 3.3 SUBPOENAS**  
A subpoena is used to obtain evidence or to require a witness to testify in front of the court at a certain time.
- 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 party files a notice of evidence with the Court to take certain actions, such as to suppress evidence, request a continuance, request a continuance, or request a continuance.
- 3.6 MONITORING THE SPEEDY TRIAL CLAUSE**  
Charged by indictment, a defendant is entitled to a speedy trial within 90 days of the charges being made public, but this period can be delayed for many reasons.

### 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, if the government agrees to do so, or if the defendant agrees to do so.
- 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 process, and the Court can remove a juror for cause, or a juror can be removed for cause.
- 5.2 OPENING STATEMENTS BY LAWYERS**  
The opening statements by the lawyers set the stage for the trial, and the jury will hear the evidence and the arguments of the lawyers.
- 5.3 THE GOVERNMENT'S WITNESSES & EVIDENCE**  
After the opening statements, the government will call its witnesses and present its evidence. The defendant can cross-examine the witnesses and present its own evidence.
- 5.4 MOTION FOR JUDGMENT OF ACQUITTAL**  
After the government has presented its case, the defendant can move for a judgment of acquittal, if the evidence is insufficient to support the charges.
- 5.5 THE DEFENDANT'S WITNESSES & EVIDENCE**  
After the government has presented its case, the defendant can call its witnesses and present its evidence. The government can cross-examine the witnesses and present its own evidence.
- 5.6 THE GOVERNMENT'S REBUTTAL WITNESSES & EVIDENCE**  
After the defendant has presented its case, the government can call its witnesses and present its evidence. The defendant can cross-examine the witnesses and present its own evidence.
- 5.7 RENEWED MOTION FOR JUDGMENT OF ACQUITTAL**  
After the government has presented its case, the defendant can move for a judgment of acquittal, if the evidence is insufficient to support the charges.
- 5.8 CLOSING ARGUMENTS**  
After the evidence has been presented, the government and the defendant will make closing arguments, and the jury will hear the evidence and the arguments of the lawyers.
- 5.9 JURY INSTRUCTIONS**  
The judge will give the jury instructions, and the jury will hear the evidence and the arguments of the lawyers.
- 5.10 THE VERDICT**  
The jury will return a verdict, and the Court will enter a judgment of acquittal, or a judgment of conviction, or a judgment of conviction with a sentence.

### 6. SENTENCING

- 6.1 THE PRESENTENCE INVESTIGATION REPORT (PSIR)**  
The PSIR is a report by a probation officer and may include an interview with the defendant. The PSIR includes a description of the offense(s), the defendant's criminal history, and personal history, and a recommendation of a sentence.
- 6.2 OBJECTING TO THE PSIR**  
Both the defendant and the government have a chance to object to the PSIR by filing written objections. The Court will hold a sentencing hearing.
- 6.3 THE SENTENCING HEARING**  
At the sentencing hearing, the Court will hear the evidence and the arguments of the lawyers, and the government will present its case for a sentence.

### 7. ACTIVITY AFTER SENTENCING

- 7.1 APPEAL**  
A party can appeal a conviction or a sentence, and the Court can reverse the conviction or sentence, or affirm it, or remand it for a new trial.
- 7.2 CORRECTING OR REDUCING A SENTENCE**  
A sentence can be corrected if there was a clear error based on a mistake of law, or a sentence can be reduced if there was a mistake of fact, or a sentence can be reduced if there was a mistake of law.
- 7.3 CHALLENGING A CONVICTION OR SENTENCE**  
A conviction or sentence can be challenged if there was a mistake of law, or a sentence can be reduced if there was a mistake of fact, or a sentence can be reduced if there was a mistake of law.
- 7.4 CHALLENGING AN ASPECT OF HOW A SENTENCE IS CARRIED OUT**  
A defendant can challenge the conditions of a sentence, or the government can challenge the conditions of a sentence.
- 7.5 SUPERVISED RELEASE**  
After a person is released from federal prison, some federal sentences require a period of supervised release, or a probation officer will monitor the person during this time.

# Criminal Process

**M Tight**



## **Criminal Process:**

The Trial on Trial: Volume 1 R A Duff, 2004-12-31 The trial is central to the institutional framework of criminal justice It provides the procedural link between crime and punishment and is the forum in which both guilt and innocence and sentence are determined Its continuing significance is evidenced by the heated responses drawn by recent government proposals to reform rules of criminal procedure and evidence so as to alter the status of the trial within the criminal justice process and to limit the role of the jury Yet for all of the attachment to trial by jury and to principles safeguarding the right to a fair trial there has been remarkably little theoretical reflection on the meaning of fairness in the trial and criminal procedure the relationship between rules of evidence procedure and substantive law or the functions and normative foundations of the trial process There is a need in other words to develop a normative understanding of the criminal trial The book is based on the proceedings of two workshops which took place in 2003 addressing the theme of Truth and Due Process in the Criminal Trial The essays in the book are concerned with the question of whether and in what sense we can take the discovery of truth to be the central aim of the procedural and evidential rules and practices of criminal investigation and trial They are divided into four parts addressing distinct but inter related issues models of the trial Duff Matravers McEwan the meaning of due process Gunther Dubber the meaning of truth and the nature of evidence Jung Pritchard and legitimacy and rhetoric in the trial Burns Christodoulidis

**The Trial on Trial: Volume 2** R A Duff, Lindsay Farmer, Sandra Marshall, Victor Tadros, 2006-04-05 This book addresses the issues surrounding criminal trial such as its aims and social functions and political implications

**Encyclopedia of Crime and Punishment** David Levinson, 2002 Authoritative and comprehensive this multivolume set includes hundreds of articles in the field of criminal justice Impressive arrays of authors have contributed to this resource addressing such diverse topics as racial profiling money laundering torture prisoner literature the KGB and Sing Sing Written in an accessible manner and attractively presented the background discussions definitions and explanations of important issues and future trends are absorbing Interesting sidebars and facts reference lists relevant court cases tables and black and white photographs supplement the entries Appendixes cover careers in criminal justice Web resources and professional organizations A lengthy bibliography lists relevant works The Best of the Best Reference Sources American Libraries May 2003

**The Exclusionary Rule of Evidence** Asst Prof Kuo-hsing Hsieh, 2014-11-28 This book argues the need for the establishment of an exclusionary rule of evidence in China as a means of protecting the people from police wrongdoing In support of the argument and as a means of developing a suitable process the author takes a comparative approach to the foundation and development of the exclusionary rule in the UK and the USA whilst also exploring the issues that may arise in transferring the rule from one legal system to another *Judicial and Statutory Definitions of Words and Phrases*, 1928

**Organised Crime and the Law** Liz Campbell, 2013-02-01 The book examines how laws and policies adopted to address organised crime in the UK and Ireland have been recalibrated in terms of the

prevention investigation prosecution and punishment of organised criminality      **The Code of Procedure and Penal Code of the State of Washington, Including Also the Lien and Mortgage Laws, the Law of Wills, and of Descent and Distribution of Property, with Citations from the Supreme Court of Washington** Washington (State),1893      Law One Hundred and One Jay M. Feinman,2006 The first edition of Law 101 provided readers with a portrait of our nation s legal system Now in this revised edition Jay M Feinman offers an updated survey of American law including new anecdotes and cases including Supreme Court cases through July 2005 and incorporating fresh material on topics ranging from the President s war powers to intellectual property standard form contracts and eminent domain BOOK JACKET      **Excel HSC Legal Studies** Belinda Brassil,2004      **The Revised Statutes of the State of Missouri, 1909** Missouri,1909      **The Indian Law Reports** ,1913      *The British Columbia Reports, Being Reports of Cases Determined in the Supreme and County Courts, and in Admiralty and on Appeal in the Full Court ...* British Columbia,1926      **Laws of the State of New York** New York (State),1903      *The Indian Law Journal* ,1908      Reports of Cases Determined by the Supreme Court of the State of Nevada Nevada. Supreme Court,1898      **Reports of Cases Determined in the Supreme Court of the State of Nevada** Nevada. Supreme Court,1898      **Reports of Cases at Law and in Chancery Argued and Determined in the Supreme Court of Illinois** Illinois. Supreme Court,Sidney Breese,Charles Gilman,Jonathan Young Scammon,Isaac Newton Phillips,Ebenezer Peck,Samuel Pashley Irwin,Norman Leslie Freeman,Edwin Hill Cooke,1876      **The Statute Law of the State of New York** New York (State),1881      **Cobbett's Parliamentary Debates** Great Britain. Parliament,1888  
Corpus Juris William Mack,William Benjamin Hale,1921

## Reviewing **Criminal Process**: Unlocking the Spellbinding Force of Linguistics

In a fast-paced world fueled by information and interconnectivity, the spellbinding force of linguistics has acquired newfound prominence. Its capacity to evoke emotions, stimulate contemplation, and stimulate metamorphosis is truly astonishing. Within the pages of "**Criminal Process**," an enthralling opus penned by a highly acclaimed wordsmith, readers attempt an immersive expedition to unravel the intricate significance of language and its indelible imprint on our lives. Throughout this assessment, we shall delve to the book is central motifs, appraise its distinctive narrative style, and gauge its overarching influence on the minds of its readers.

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