

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. An indictment is a formal accusation that a defendant committed a crime.

1.4 PROPER VENUE

Each federal court has a specific geographic area that it covers. A defendant can be charged in a federal court in that area.

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

2.2 FIRST APPEARANCE

A defendant must appear in court for their first appearance. A defendant can be charged before, during, or after an arrest. A defendant can be charged before, during, or after an arrest.

2.3 THE ARRAIGNMENT

At the arraignment, a defendant enters a plea to the charges. A defendant can be charged before, during, or after an arrest. A defendant can be charged before, during, or after an arrest.

2.4 THE PRELIMINARY HEARING

The preliminary hearing occurs within 14 days of the defendant's arrest. A defendant can be charged before, during, or after an arrest. A defendant can be charged before, during, or after an arrest.

2.5 THE DETENTION HEARING

If a defendant is in custody, the court will hold a detention hearing. A defendant can be charged before, during, or after an arrest. A defendant can be charged before, during, or after an arrest.

3. ACTIVITY BEFORE TRIAL

3.1 EVIDENCE PROVIDED TO THE DEFENDANT

The government must provide the defendant with the evidence it plans to use at trial. A defendant can be charged before, during, or after an arrest. A defendant can be charged before, during, or after an arrest.

3.2 EVIDENCE PROVIDED TO THE GOVERNMENT

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3.3 SUBPOENAS

A subpoena is used to compel a witness to appear in court. A defendant can be charged before, during, or after an arrest. A defendant can be charged before, during, or after an arrest.

3.4 MOTIONS

A motion is a request to the court for a ruling on a legal issue. A defendant can be charged before, during, or after an arrest. A defendant can be charged before, during, or after an arrest.

3.5 NOTICES OF EVIDENCE

A notice of evidence is a document that lists the evidence the government plans to use at trial. A defendant can be charged before, during, or after an arrest. A defendant can be charged before, during, or after an arrest.

3.6 MONITORING THE SPEEDY TRIAL CLAUSE

The Sixth Amendment guarantees a defendant the right to a speedy trial. A defendant can be charged before, during, or after an arrest. A defendant can be charged before, during, or after an arrest.

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

4.2 PLEADING GUILTY BY PLEA AGREEMENT

A defendant can plead guilty to a crime by entering into a plea agreement with the government. A defendant can be charged before, during, or after an arrest. A defendant can be charged before, during, or after an arrest.

4.3 PLEADING GUILTY WITHOUT A PLEA AGREEMENT

A defendant can plead guilty to a crime without entering into a plea agreement with the government. A defendant can be charged before, during, or after an arrest. A defendant can be charged before, during, or after an arrest.

5. TRIAL

5.1 JURY SELECTION

The court selects a jury to hear the case. A defendant can be charged before, during, or after an arrest. A defendant can be charged before, during, or after an arrest.

5.2 OPENING STATEMENTS BY LAWYERS

The lawyers make opening statements to the jury. A defendant can be charged before, during, or after an arrest. A defendant can be charged before, during, or after an arrest.

5.3 THE GOVERNMENT'S WITNESSES & EVIDENCE

The government presents its case to the jury. A defendant can be charged before, during, or after an arrest. A defendant can be charged before, during, or after an arrest.

5.4 MOTION FOR JUDGMENT OF ACQUITTAL

The defendant may move for a judgment of acquittal. A defendant can be charged before, during, or after an arrest. A defendant can be charged before, during, or after an arrest.

5.5 THE DEFENDANT'S WITNESSES & EVIDENCE

The defendant presents its case to the jury. A defendant can be charged before, during, or after an arrest. A defendant can be charged before, during, or after an arrest.

5.6 THE GOVERNMENT'S REBUTTAL WITNESSES & EVIDENCE

The government presents its case to the jury. A defendant can be charged before, during, or after an arrest. A defendant can be charged before, during, or after an arrest.

5.7 RENEWED MOTION FOR JUDGMENT OF ACQUITTAL

The defendant may move for a judgment of acquittal again. A defendant can be charged before, during, or after an arrest. A defendant can be charged before, during, or after an arrest.

5.8 CLOSING ARGUMENTS

The lawyers make closing arguments to the jury. A defendant can be charged before, during, or after an arrest. A defendant can be charged before, during, or after an arrest.

5.9 JURY INSTRUCTIONS

The judge gives instructions to the jury. A defendant can be charged before, during, or after an arrest. A defendant can be charged before, during, or after an arrest.

5.10 THE VERDICT

The jury returns a verdict. A defendant can be charged before, during, or after an arrest. A defendant can be charged before, during, or after an arrest.

6. SENTENCING

6.1 THE PRESENTENCE INVESTIGATION REPORT (PSIR)

The PSIR is a report prepared by a probation officer. A defendant can be charged before, during, or after an arrest. A defendant can be charged before, during, or after an arrest.

6.2 OBJECTING TO THE PSIR

The defendant can object to the PSIR. A defendant can be charged before, during, or after an arrest. A defendant can be charged before, during, or after an arrest.

6.3 THE SENTENCING HEARING

The court holds a sentencing hearing. A defendant can be charged before, during, or after an arrest. A defendant can be charged before, during, or after an arrest.

7. ACTIVITY AFTER SENTENCING

7.1 APPEAL

The defendant can appeal the sentence. A defendant can be charged before, during, or after an arrest. A defendant can be charged before, during, or after an arrest.

7.2 CORRECTING OR REDUCING A SENTENCE

The court can correct or reduce a sentence. A defendant can be charged before, during, or after an arrest. A defendant can be charged before, during, or after an arrest.

7.3 CHALLENGING A CONVICTION OR SENTENCE

The defendant can challenge a conviction or sentence. A defendant can be charged before, during, or after an arrest. A defendant can be charged before, during, or after an arrest.

7.4 CHALLENGING AN ASPECT OF HOW A SENTENCE IS CARRIED OUT

The defendant can challenge how a sentence is carried out. A defendant can be charged before, during, or after an arrest. A defendant can be charged before, during, or after an arrest.

7.5 SUPERVISED RELEASE

The defendant can be placed on supervised release. A defendant can be charged before, during, or after an arrest. A defendant can be charged before, during, or after an arrest.

Criminal Process

British Columbia



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

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