



Chapter 13 Overview

Criminal Justice Process: Proceedings Before Trial



Pretrial Proceedings

- ▶ Every criminal case goes through several standard proceedings before it reaches court.
- ▶ In some cases, these proceedings eliminate the need for a trial.

Booking and Initial Appearance

- ▶ Booking is the formal process of making a police record of the arrest.
- ▶ The accused person
 - first provides some basic information for identification purposes and then
 - is fingerprinted and photographed. DNA?



Appearance

- ▶ Within a short time of arrest and booking, the accused must appear before a judge.
- ▶ The defendant has an attorney appointed or is given the chance to obtain one.
- ▶ At this stage, the judge decides if the defendant will be released on bail or remain in jail while awaiting trial.

Bail and Pretrial Release

- ▶ Bail is an amount of money that an arrested person puts up in order to be released from jail while waiting for trial.
- ▶ The purpose of bail is to make sure the defendant appears at the trial.
- ▶ If the person fails to return for trial, the court keeps the money.
- ▶ Sometimes the court will release a person before trial without requiring bail because there is very little chance the person will attempt to flee.



Information

- ▶ A prosecutor's information details the nature and the circumstances of the charges brought against a defendant.
- ▶ This information is a formal criminal charge filed with the court based on the information collected during the initial investigation of the case.

Preliminary Hearing

- ▶ A preliminary hearing is a screening process used in felony cases to decide if there is enough evidence to make the defendant stand trial.
- ▶ If enough evidence supports the prosecutor's case, the defendant will proceed to trial.
- ▶ If the judge finds no probable cause, the case may be dismissed—but this does not necessarily mean that the case is over.



Grand Jury



- ▶ A grand jury is used by many states in place of the prosecutor's information or a preliminary hearing.
- ▶ It is a group of 16 to 23 people who determine whether there is enough evidence to show that a person has committed a crime and should go to trial.
- ▶ Only the prosecutor submits evidence to the grand jury.
- ▶ Neither the accused nor his or her attorney is allowed to appear.
- ▶ A judge is not present and rules of evidence do not apply.

Felony Arraignment and Pleas

- ▶ After an indictment or information is issued, the defendant must appear in court to enter a plea.
- ▶ If the defendant pleads guilty, the judge will set a date for sentencing.
- ▶ If the defendant pleads not guilty, the judge will set a date for trial and ask whether the defendant would like a trial by jury.

Pretrial Motions

- ▶ A motion is a formal request that the court make a ruling or take some other action.



Common motions include

- ▶ a defendant's motion to obtain certain evidence from the prosecution,
- ▶ a request for more time to prepare the case,
- ▶ a request for the trial to be held in a different location,
- ▶ or a motion that certain evidence should be excluded at the trial.

Plea Bargaining

- ▶ The plea bargaining process is often used to obtain guilty pleas before the trial begins.
- ▶ Most criminal cases never go to trial because most defendants plead guilty beforehand.
- ▶ In a plea bargain, the accused often will agree to plead guilty in exchange for a somewhat reduced sentence.

