

FELONY CASE STAGES

PREFILING	PHASE 1	PHASE 2	PHASE 3
<p>Police Investigation Prosecutor Filing</p>	<p>1st Arraignment Early Disposition Conferences Preliminary Hearing</p>	<p>2nd Arraignment Pre-Trial Conferences Motion Hearings</p>	<p>Criminal Trial</p>
<p>Investigation: Police investigate crime, gather evidence and interview witnesses. Police may attempt to contact suspect to obtain a statement.</p> <p>Arrest: Police make arrest or refer case to prosecutor for a criminal filing.</p> <p>Filing: If someone retains the Attorney at this stage, the Attorney attempts to deal with the police or prosecutor to resolve the case without it ever being filed or to convince the government to file lesser charges.</p>	<p>1ST Arraignment: Defendant and Attorney appear in court to obtain a list of the charges and receive police reports and evidence in case. Bail or “OR release is argued.</p> <p>Early Disposition Conferences: The Attorney attempts to get the case dismissed, reduced, or resolved by way of a plea bargain. A plea bargain is an agreement, compromise, or settlement of the case, usually between the District Attorney and the Defense. 95% of all criminal cases are settled this way.</p> <p>Preliminary Hearing: An evidentiary hearing is held before a judge to determine if there is sufficient evidence of every element of the crime to continue criminal court proceedings against the defendant. At this hearing, the Attorney tests the strength of the government’s case, exploits its weaknesses, and sets up legal defenses.</p>	<p>2ND Arraignment: If the case was not settled in Phase1 or dismissed at the Preliminary Hearing, Defendant enters a plea of “Not Guilty” and bail is again argued, if necessary.</p> <p>Pre-Trial Conferences: Settlement negotiations continue with the District Attorney’s Office in an effort to resolve the case.</p> <p>Legal Motions: If appropriate, legal motions will be filed and argued. Examples: illegal search and seizure, <u>Miranda</u> violations, discovery requests, motion to dismiss the preliminary hearing judge’s ruling.</p> <p>Trial Preparation: The case is set up for trial. Subpoenas are issued, witnesses are secured for trial, and evidence issues are researched.</p>	<p>Bench Trial: The judge listens to the facts and legal arguments of the case and decides Guilt.</p> <p>Jury Trial: 12 Jurors are selected and impaneled to listen to the facts of the case and decide Guilt.</p> <p>Procedure: The Prosecutor presents evidence, witnesses, and arguments in an effort to prove “Guilt” to the fact finder beyond a reasonable doubt. The Accused has the right to present a defense.</p>