

The Court Process

How a felony case goes through the Court System	
Offense is Committed	Law enforcement investigates the crime and prepares a report. The police report is forwarded to the Prosecuting Attorney to review for criminal charges. Depending on the severity of the crime, the Defendant may be arrested prior to a Complaint being filed.
Complaint/Information or Indictment	The Prosecuting Attorney reviews the case and determines whether probable cause exists to file charges. If probable cause exists, either a Complaint is filed or the Defendant may be Indicted by a Grand Jury. Either a summons (voluntary appearance) or a warrant for the Defendant's arrest is issued with the Complaint or Indictment.
Initial Appearance	An initial appearance, often referred to as an "arraignment", is when the magistrate judge advises the Defendant of the charges, his/her rights and will appoint an attorney should the Defendant qualify.
Preliminary Hearing or Grand Jury	<p>The purpose of both the Preliminary Hearing and Grand Jury is for a finding of probable cause. Probable cause means that a reasonable person would find it more likely than not the defendant committed a crime.</p> <p>A Preliminary Hearing occurs in open court in front of a magistrate judge. Both the Defendant and the defense attorney are present. If probable cause is found, an Information (charging document) is filed.</p> <p>A Grand Jury is a closed court proceeding without a judge. A jury of up to 16 people hear evidence to decide if there is probable cause for the offense. If probable cause is found, an Indictment is presented to the Court.</p>
Arraignment in District Court	The Defendant is advised of his/her rights in District Court and formally enters a plea. If the Defendant pleads not guilty, the case is set for Pretrial Conference (which is an opportunity for counsel to attempt to resolve the case and address any trial issues) and Trial. If the Defendant pleads guilty, the case is set for Sentencing.
Trial	The trial may occur before the Court (Bench Trial) if the Defendant agrees. Otherwise all trials must be heard in front of a jury of the Defendant's peers. The Prosecution must prove the case beyond a reasonable doubt.
Presentence Investigation	When a person is convicted of a felony, the Court orders a complete investigation be done. A presentence investigator employed by the Department of Corrections (Probation and Parole) will perform the evaluation of the defendant's life, as well as the facts and circumstances surrounding the crime.
Sentence	The Court hears testimony of witnesses, victim impact statements and argument of attorneys before entering a sentence in accordance with the law.