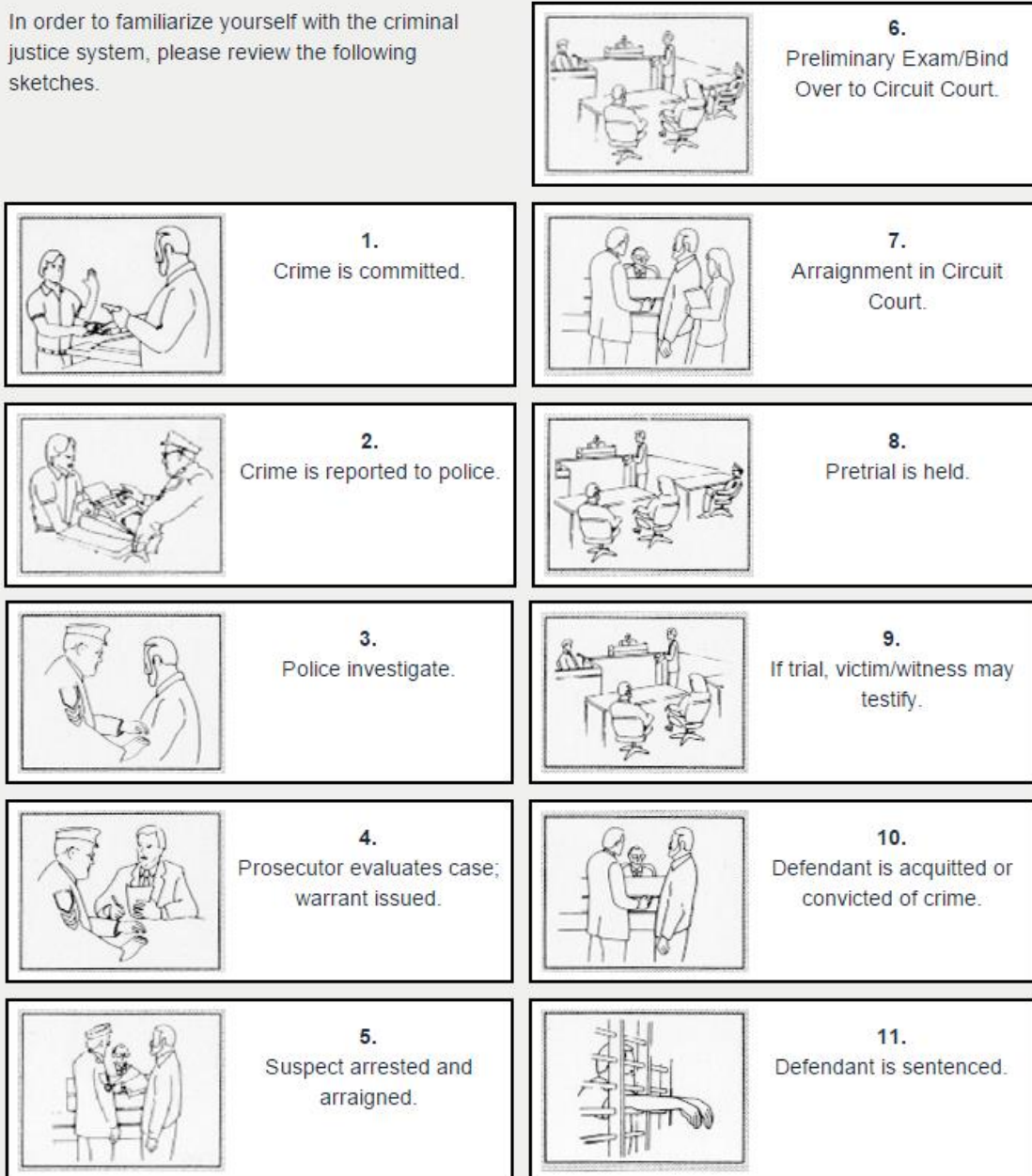


## Felony Case Process

A felony is any crime for which a person can be sent to state prison for more than one year.

### Case Process at a Glance

In order to familiarize yourself with the criminal justice system, please review the following sketches.



## Detailed Description of Case Process

### 1. **WARRANT REQUEST**

When the police are called to a scene and have probable cause to believe a person has committed a crime, the police file a request to the Prosecutor's Office to review/authorize criminal charges.

### 2. **DECISION TO PROSECUTE**

Based on the facts of the police report the Prosecuting Attorney or one of his Assistant Prosecuting Attorneys determines whether or not to charge a person with a crime.

### 3. **ARRAIGNMENT IN DISTRICT COURT**

Once arrested on the warrant, the defendant appears in the District Court for arraignment. The charges are read to the defendant and conditions and amount of bond are set by the Court, and a date is set within 14 days for the preliminary examination.

### 4. **PRELIMINARY EXAMINATION**

This is a contested hearing before a Judge. If probable cause is established that the defendant may have committed the crime he/she is charged with, the defendant is bound over to Circuit Court. The defendant can decide not to have the preliminary examination, which is called "waiving" the hearing, and the case continues to Circuit Court.

### 5. **ARRAIGNMENT IN CIRCUIT COURT**

The defendant is arraigned, notified of the formal charges against him, advised of his rights, and asked to enter a plea to the charge. Our Circuit Court judges are allowing defendants to "waive" this hearing, and this does happen in most cases. The case automatically proceeds to the next step.

### 6. **PRETRIAL**

The Court may hear motions to determine whether evidence can be used at trial, or whether there is some legal reason the defendant should not be tried. The Prosecuting Attorney and defense attorney often meet to determine whether the defendant will plead guilty to the crime as charged or to some other offense. If the defendant does not plead to an offense at this hearing, the case proceeds to trial. If the defendant pleads the case proceeds to sentencing.

### 7. **PLEA and TRIAL**

The court often will set a Plea and Jury Trial. If a plea agreement is reached on the plea date the trial date will be cancelled, and the case will go to sentencing. A trial can be by judge (bench trial) or by jury (jury trial). During the trial, the judge/jury will decide whether the defendant has committed the offenses brought by the Prosecuting Attorney's Office. If the defendant is found guilty, the judge will set a date for sentencing. If the defendant is found not guilty the process is complete.

### 8. **SENTENCING**

A pre-sentence investigation will be prepared by the probation officer whom will generate a report. Their report contains information about the crime, the defendant's background, and the sentence recommendation. The judge will consider the information in this report, along with any victim's impact statement that has been sent. The judge may consider different alternatives such as fines, probation, community service, a sentence to jail or prison, or any combination of these. The judge will order the defendant to make restitution to any victims who have suffered financial loss.

### 9. **APPEALS**

The defendant may appeal his conviction to the Michigan Court of Appeals, the Michigan Supreme Court, or the United States Supreme Court.