

The Criminal Law Process

1. **The Arrest**
 - a. Either with or without a warrant (depending on the circumstances)
 - b. Inform your attorney of ALL the facts surrounding your arrest in order
 - c. If an officer fails to follow arrest procedures, the charges may not hold up in court
2. **Criminal Citation**
 - a. In other cases, you may be issued a criminal misdemeanor citation rather than be arrested
3. **1st Appearance/Arraignment**
 - a. Informed of the charges against you and your rights
 - b. If you are able to enter a plea at this time, “not guilty” is always a safe plea if you do not have an attorney present with you at this time
 - c. **Bail** – judge will set bail amount taking into consideration several things
 - i. Judge looks at your charge(s), criminal history, ties to the community, etc.
 - ii. If the judge believes you look like a “flight risk” they will not allow someone to be released on bail
4. **Preliminary Hearing**
 - a. Felony cases have this hearing in order for the judge to listen and determine if the prosecution has enough evidence for the case to move to trial
 - b. **Not** where innocence or guilt is determined
5. **Grand Jury**
 - a. If a judge examines the case and decides it is worthy of being “bound over” to a TN circuit court
 - i. A panel of 13 jurors will determine if enough evidence exists to send the case to trial
 1. If yes, you will be “indicted”, or formally charged
6. **IF Felony Charges 2nd Arraignment in Circuit Court Level**
 - a. Circuit Court Judge will inform you of the charges against you and review bail
7. **Plea Agreements**
 - a. Majority of criminal cases are resolved through plea agreements or plea bargains (often the charges are lowered against you)
 - b. Make sure to discuss your options with your attorney to make the smartest move for your case
8. **Pre-Trial Motions**
 - a. Your attorney will take care of these for you!
 - i. Examples: discovery, motions, orders, notices, etc.
 - b. These are all done to ensure you have a fair and complete trial
9. **Trial**
 - a. **Opening Statements**
 - b. **Presentation of the Evidence/Arguments**
 - c. **Closing Statements**
 - d. **Jury Instructions by the Judge**
 - e. **Jury Deliberation**
 - f. **Verdict**
10. **Sentencing Hearing**
 - a. If found guilty, a hearing to discuss sentencing will be set for a later date

**Remind that if you are found guilty, your attorney may appeal the decision and request a new trial