

# Normal Criminal Process

(Your Case will Probably Differ Due to the Uniqueness of your Matter)

- | <b>Stage</b>                    | <b>Description</b>  |
|---------------------------------|---|
| <b>1 Arrest/Citation Issued</b> | - You were arrested or you were given a ticket.   |
| <b>2 Bond</b>                   | - If arrested, a Bond is set in your matter. There are many ways a Bond can be "Posted" (paid): by cash, bondsman, property bond and so forth. This gets you out of jail.<br>The bond promises that you will attend all court dates. If not, the bond amount is given to the county and a warrant goes out for your arrest. |
| <b>3 Arraignment</b>            | - This is a formal court proceeding wherein you make a "Plea" in your case. That plea is either "Guilty", "Not Guilty", or "Nolo Contendre".  |

<b>Plea</b>	<b>Defined</b>
Guilty	You are admitting the Charge (you admit you did the crime) and taking the punishment
Not Guilty	You are telling the State of Georgia they must prove their case beyond a reasonable doubt. You will be placed on a Trial Calendar. You will need to decide if you want a "Jury Trial" (members of this county will be on the jury, 6 for misdemeanors and 12 for felonies) or a "Bench Trial" (only the judge decides). Again, this is a decision only you can make.
Nolo Contendre	Latin for "No Contest", meaning you are not admitting the charge, but accepting the punishment anyway. It is up to the judge to accept the Nolo Plea and the judge can reject it. Many cases, such as DUI and felonies, the judges never accept the Nolo plea. If the Nolo Plea is rejected, you will have to decide on pleading Guilty or Not Guilty.
Staying Silent	If you do not make a plea, then a Not Guilty Plea will entered for you and you will be place on the Jury Trial

As described in your letter, this is a decision only you can make, I cannot make it for you.

At this time, we will be given an "**Offer**" in your case. This is the "Plea Bargain". Meaning your charges may be reduced with certain conditions the prosecutor requires in order to dispose of your case (i.e. fine amounts, community service and so forth). The Plea Bargain requirements are usually less that what you would receive if you are found guilty at trial. If you reject this Offer, it is gone and will not be offered again.

## 4 Trials

### Bench

- A** At the Arraignment, a **Bench Trial** date will be set. This date all depends on the judge's calendar.
- B** **Motions** - There may be a "Motion Hearing" in your case. This is a hearing to determine what evidence can be presented at the trial. Usually a Bench Trial is informal and this is done just prior to the trial or during the trial, if at all.
- C** **Calendar Call** - Generally speaking, there are no Calendar Calls with Bench Trials.

- D** **Bench Trial** - At the date and time previously set, there will be a Trial of your case. Many cases will be set for trial at the same time. As such, we will be reached at some point during the day.  
After the evidence and testimony has been entered in the trial, the judge will review the evidence and testimony and the Judge will announce a Verdict.

### Jury

At the Arraignment a **Calendar Call** date will be scheduled.

**Motions** - There may be a "Motion Hearing" in your case. This is a hearing to determine what evidence can be presented at the trial. With Jury Trials it is normally held before your actual trial so the evidence is not heard by the jury which may taint their neutrality. The Judge then decides what evidence may or may not be allowed to be heard/seen by the Jury.

**Calendar Call** - This is where all the cases are brought in and it is determined what order the cases will be tried over the next 2-3 weeks. If your case is not given a specific date and time, it will be "**On-Call**".

On-Call means exactly that, I will get a call to report in 2 hours. I will call you and you must report to the court in that time frame to start your trial.

If your case is not called in during this time period, then we do the same thing again the following month.

**Jury Trial** - When we are finally called to trial we will first pick the jury from those who were called for jury duty. A total of 6 jurors for misdemeanors and 12 for felonies.

After the evidence and testimony has been entered in the trial, the jury will review the evidence and will decide if the State has proved its case beyond a reasonable doubt. This is known as "Jury Deliberations".

**E Verdict** - This is where the Judge will decide if the State has proven its Case beyond a reasonable doubt. If the State "has met its burden", you will be found Guilty. If the State has not, then you will be found Not Guilty. If found Not Guilty, that is the end of the matter and you go home.

**Verdict** - This is where the Jury will decide if the State has proven its Case beyond a reasonable doubt. If the State "has met its burden", you will be found Guilty. If the State has not, then you will be found Not Guilty. If found Not Guilty, that is the end of the matter and you go home.

**F Sentence** - If found Guilty, the Judge will Sentence you at that time. There will most likely be fines, community service, possible jail, probation, fees and other requirements. All will be dependent on your particular case.

**Sentence** - If found Guilty, the Judge will Sentence you at that time, not the jury. There will most likely be fines, community service, probably jail, probation, fees and other requirements. All will be dependent on your particular case.

Please note that in either a Bench or Jury Trial, if found Guilty, the Judge can sentence you to whatever the Judge deems appropriate, the Judge is not bound by the "Offer" given back at the Arraignment. Hence, the Sentence could be worse or better than that Offer. It is entirely up to the Judge, there are no negotiations.

The Judge can sentence you to the Minimums or the Maximums (below) or anything in between.

The Minimums and Maximums for EACH Offence (Charge) are:

		Misdemeanor (Tickets)	Felony
Jail	Min	0 Days	0 Days
	Max	1 Year	Life
Fine	Min	\$0	\$0
	Max	\$1,000	Unlimited

It is very important to know the above numbers are based upon generic charges, your charges may have "Mandatory Minimums" that require a minimum fine or jail time and higher fine amounts and jail times than are listed above.

5 The Criminal Court process has many variables and possibilities that can effect how your case is resolved. It is a very fluid situation and many things can effect and alter the direction your case may take.