

COURT PROCESS

General Sessions Court Process:

- **Arraignment date:** Thursday court date, victims do not need to appear. This is the defendant's first court date. They are read their rights, given an attorney and their general sessions court date (on either a Tuesday or Wednesday).
- **Court date:** These cases occur on Tuesdays and Wednesdays. Only misdemeanor cases, those cases in which the defendant can be sentenced to no more than 11 months and 29 days, can be disposed of in General Sessions Court. All felony cases must be disposed of in Circuit Court. Defendants in felony cases cannot enter a guilty plea in General Sessions unless the charge is reduced to a misdemeanor. Misdemeanor cases not disposed of in General Sessions Court may go to Circuit Court.
- Often, the defendant will request a preliminary hearing in General Sessions Court. The District Attorney must present enough evidence to show the judge probable cause, or enough evidence to show that a crime occurred, and that the crime was probably committed by the defendant. If probable cause is shown, the case is sent to the Grand Jury. The victim is usually required to be present at the preliminary hearing.
- There are two possible outcomes after a preliminary hearing: A judge may rule the case should be Dismissed for Lack of Prosecution, that usually means an important witness did not show up or was unavailable, or the judge may find probable cause and bind the case over to the Grand Jury.
- If a defendant waives their right to a preliminary hearing and the case is automatically bound over to the Grand Jury.
- If the defendant agrees to Criminal Information, the case bypasses the Grand Jury and is sent directly to Circuit Court, where the defendant may plead guilty.

Grand Jury: The defendant is not present for the Grand Jury. Victims and witnesses do not attend the Grand Jury. The Detective/Officer on the case will present the case.

- The Grand Jury is a panel of thirteen citizens who determine if there is enough probable cause or evidence to show that the defendant committed the crime.
- If there is enough evidence, the Grand Jury hands down an Indictment, the charging instrument necessary to go forward in Criminal Court. The Grand Jury does not decide the defendant's guilt or innocence.
- The Grand Jury hearing is a closed hearing.
- Your case will probably be heard by the Grand Jury within 3 to 4 months of the preliminary hearing, and you will be notified of the outcome by the District Attorney's office.

Circuit Court Process:

- A case may go before a judge in Circuit Court many times before it is disposed of. It is not unusual for a case to take a year or more before it is resolved either by a guilty plea or trial. The victims/witnesses do not need to appear in Circuit Court proceedings unless they receive a subpoena.
- Some of these court settings may include arraignment, review, plea and motion dates or trial settings.
- **Circuit Court Arraignment:** The defendant is put on notice by the court of the charges against them. The court also determines whether the defendant has an attorney to represent them. If the defendant does not have an attorney, the arraignment will be postponed until he retains an attorney, or the court appoints one for them.
- **Review Date:** Cases are set in court to give the District Attorney and the defense attorney a chance to talk about the case and negotiate. Eventually a plea date or trial date will be set.
- **Plea Date:** At this court date, the defendant has indicated that they want to accept a plea agreement and plead guilty. If the defense attorney and the District Attorney cannot come to the plea agreement, the plea date may be reset 1-2 more times before the case is set for trial.
- **Plea Agreement:** In most cases, the District Attorney will make an offer to the defense attorney regarding the defendant's sentence if the defendant decides to plead guilty. The defendant may accept or reject this offer. If the offer is accepted by the defendant, it is presented to the judge. The judge may also accept or reject the plea. The defendant may decide to plead guilty at any court setting. Your feelings about any plea agreement are important. Although you will not have the final say as to what sentence is given, the District Attorney is interested in your opinion. You will also have a right to speak at the plea hearing.
- **Motion:** At times, it is necessary for the District Attorney and the defense attorney to argue a point of law or procedure in court and let the judge decide the law as it applies to the case. Generally, this is the last court date set before a trial date.
- **Trial:** It is the prosecutor's job to present the case and attempt to prove beyond a reasonable doubt that the defendant committed the crime in which they are being charged. Someone from the District Attorney's Office will be in contact with you regarding your involvement in the trial and when you will need to be in court. There are four possible outcomes of a trial: guilty verdict, not guilty verdict, hung jury or mistrial. If the defendant is found guilty, there will be a sentencing hearing.
- **Sentencing Hearing:** This is a court proceeding in which the judge imposes penalties after a criminal conviction. The hearing takes place after a defendant has pled guilty or no contest or they have been found guilty at a trial.