

CRIMINAL DIVISION

CRIME REPORTED



POLICE

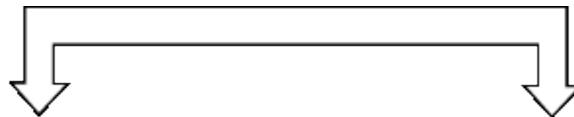
- Investigate
- Prepare Report
- Forward Report to Prosecutor



PROSECUTOR

Options:

- File a criminal complaint
- Request further investigation
- Decline prosecution



Misdemeanor Complaint

- District Court Arraignment
- Pretrial Conference
- Motions
- Trial
- Sentence
- Jail
- Probation

Felony Complaint

- District Court Arraignment
- Preliminary Examination
- Bindover to Circuit Court
- Circuit Court Arraignment
- Pretrial Conference
- Motions
- Sentence
- State Prison
- County Jail
- Probation

DEFINITION OF TERMS COMMONLY USED IN THE CRIMINAL JUSTICE SYSTEM

Arraignment: This is a hearing in which the Court reads the criminal charges to the defendant, sets bond and schedules the next hearing date.

Bench trial: In a bench trial, the Judge decides whether the defendant is guilty based upon the testimony and other evidence provided to the judge at trial. This proceeding is also sometimes called a trial by Judge.

Bindover: This term is used to describe the transfer of a felony case or a high court misdemeanor to Circuit Court after the holding of a preliminary examination or the waiver of preliminary examination.

Conviction: a conviction is achieved if the defendant pleads guilty to a crime, is found guilty by a judge at a bench trial, or is found guilty unanimously by a jury.

Complaint: This is the legal document which tells the District Court and the defendant what criminal charges are being brought against the defendant. There are two types of criminal complaints explained below:

Misdemeanor Complaint: This document is used to tell the District Court and the defendant what criminal charges are being brought against the defendant in misdemeanor cases (cases punishable by one year or less in the county jail). It is prepared by the Prosecutor's Office.

Felony Complaint: This document is used to tell the District Court and the defendant what criminal charges are being brought against the defendant in felony criminal cases (cases punishable by more than one year). It is prepared by the Prosecutor's Office.

Felony: A criminal charge punishable by more than one year.

Felony Information: This document is used to tell the Circuit Court and the defendant what charges are being brought against the defendant in felony criminal cases (cases punishable by more than one year). It is prepared by the Prosecutor's Office.

High Court Misdemeanors: Criminal charges which carry a penalty of two years incarceration are sometimes labeled high court misdemeanors by the Michigan Legislature. High Court Misdemeanors are treated similarly to felony charges in most instances, including the right to a preliminary examination and to a bindover to Circuit Court.

Jail: Jail is a county-run facility for housing those who have not made bond and those who have been sentenced to incarceration of one year or less. A convicted criminal can only be sentenced

to up to one year in the county jail. If the judge decides to sentence the defendant to a longer period of time, the judge sends the defendant to the prison system.

Jury trial: In a jury trial, fellow citizens decide whether the defendant is guilty based upon the testimony and other evidence provided to the jury at the trial. In a District Court case, there are six jurors. In a Circuit Court Case, there are twelve jurors. The jury's verdict must be unanimous.

Misdemeanor: A criminal charge punishable by one year or less in the county jail.

Motions: Both the prosecutor's office and the defense can request hearings/motions before and even during trial to decide many different types of legal and evidentiary issues surrounding a case.

Parole: . A defendant who is sentenced to prison will normally be given a period of supervision after he/she is released from prison. This supervisory period is called parole. While on parole, a defendant must follow all the rules set out by the Michigan Department of Corrections. Failure to do so can result in the defendant being sent back to prison.

Preliminary examination: Whenever a person is charged with a crime which has a penalty of more than one year (felonies and high court misdemeanors), that person has a right to a hearing called a preliminary examination at the district court level. At this preliminary examination, the prosecutor's office must present evidence to show that there is probable cause to believe that a crime was committed and that the defendant was the person who committed the crime. Michigan law normally requires that a preliminary examination be held within 14 days of the defendant's district court arraignment. The defendant can also waive, or give up this right to a preliminary examination. If the defendant waives his/her right to a preliminary examination, or the district court judge at the preliminary examination finds that there is probable cause to believe that the defendant committed the crime, the defendant is then bound over to circuit court to face further proceedings on the charges.

Pre-sentence report: This document contains useful sentencing information, including a summary of the defendant's crime, a listing of the defendant's past criminal convictions, the amount of restitution owed to the victim and the defendant's historical information. It is prepared by the Probation Department.

Pretrial Conference: This is a hearing in which the Prosecutor's Office and the defendant's attorney (or the defendant, if he or she does not have an attorney) meet to discuss the case, resolve all possible issues with the case, and discuss whether there will be a guilty plea, motions, or a trial.

Prison: Prison is a state-run confinement facility for individuals sentenced to one or more years of incarceration for a criminal conviction.

Probation: Probation is a sentencing option for a judge. A defendant who is given probation must follow all the rules set out by the sentencing judge during the period of probation. A defendant who is given probation can also be sentenced to as much as a year in the county jail. A defendant who is given probation cannot be sentenced to prison, unless the defendant violates one or more of the terms of his/hers probation.

Sentence: When a defendant is found guilty at trial, the judge announces the punishment to the parties, including the defendant, at the defendant's sentencing. If it is a misdemeanor conviction, the court can sentence the defendant immediately. If it is a felony conviction or a high court misdemeanor conviction (a two year offense), the court must order a pre-sentence report and then sentence the defendant after the court and all parties have had a chance to review and approve of the contents of the pre-sentence report. Sentences for felony convictions usually take place about one month after the conviction.

Waiver: Waiver means to give up a right, such as the right to a preliminary examination or trial.