

Criminal Procedure Timeline

???

Stop

Search

Arrest

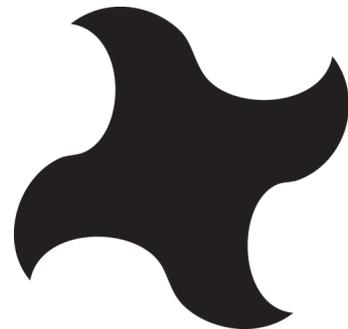
Questions

Appearance

Bail

Lets Make a Deal

Trial



???

Something happens which causes the police to
want to investigate you

Stop

Police are investigating something

In order to stop you to investigate, police must have

"reasonable articulable suspicion" that "criminal activity is afoot" - Terry v. Ohio

Search

In general* warrantless searches are unconstitutional due to the ban on unreasonable searches under the 4th Amendment

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* - **Exceptions to Warrant Req.**

Terry - reasonable suspicion suspect is "armed and dangerous"

Automobiles

Arrest

Border crossing

Exigent Circumstances

Destruction of Evidence

Public Safety

Permission

Questioning Part 1

Miranda Warnings

Right to Silence

Right to an Attorney

Miranda given when a person is "in custody"

Miranda required if prosecutors later want to introduce what you say against you at trial

Police are allowed to lie to you

Questioning Part 2

Once you have been appointed or retained counsel on a particular case, you have additional rights to have your attorney present whenever police question you or you appear in court on that case

Arrest

Police must have probable cause to arrest

In general, a person can be arrested for any crime (possibly even a traffic violation)

First Appearance / Arraignment

You may have an initial appearance where the only thing done is setting bail or releasing you.

In many states, you have a right to bail.

Realistically, bail is always set except in extremely serious cases (i.e. murder).

Bail

Cash bail only

vs.

Bail bonds

First Appearance / Arraignment 2

At your arraignment, you will receive a list of the charges against you.

You must have an attorney present to assist you at this point, or you will be appointed one.

(sometimes bail setting will also be done at your arraignment)

Charges

Only the prosecutor (district attorney) gets to decide what you are charged with

Double Jeopardy - you can only be placed in jeopardy (tried) once for a particular criminal act

Lets Make a Deal

Throughout this process, starting at the Arraignment, the prosecutor will likely offer a plea deal

> 90% of all criminal cases in the US end in a plea deal

Preliminary Hearing / Grand Jury

State may choose which method to indict you:

Preliminary Hearing

VS.

Grand Jury

Attorney-Client Relationships

Anything you say to your attorney is privileged - meaning it is secret - as long as there are not other people in the room not involved in your case

Only you can waive the attorney-client relationship - not the attorney!

Only time attorney can tell someone else without your permission is if there is a imminent threat of harm to another person

Attorney's job is to advise you on the law, give you advice about what to do, and make strategic decisions

Trial

At trial, a jury must find you guilty beyond a reasonable doubt

Representing yourself is a bad idea

Questions

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