

STEPS IN A CRIMINAL CASE



FORMAL ARREST

The criminal process begins when you are charged with committing a crime. The police can arrest you and issue you a citation or the Tribal Prosecutor can file a complaint alleging that you committed an offense. If you are not arrested, you will receive a date and time that you will be summoned to appear before the Judge.



ARRAIGNMENT

At the Arraignment, the Judge will read you your charges, notify you of your rights, appoint you a Public Defender (if applicable), set future court dates, and determine your release conditions. You will be given the opportunity to either plead guilty or not guilty. If you plead guilty, then the Judge will set a sentencing hearing. If, however, you plead not guilty, then the Judge will set future court dates.



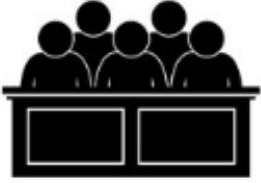
PRETRIAL CONFERENCE

A pretrial conference is a meeting between the judge, prosecutor, and defense attorney, held before a trial begins, to discuss and prepare for the trial. It aims to streamline the case, clarify issues, explore settlement options, and ensure both sides have necessary information. In criminal cases, it often involves exchanging evidence and potentially negotiating a plea bargain.



PLEA NEGOTIATIONS/AGREEMENT

The parties will typically engage in plea negotiations based on evaluation of the evidence. A plea agreement will result if the parties can agree on settling the case. This can result from the Defendant agreeing to plead guilty or no contest to a charge in exchange for certain concessions from the Tribal Prosecutor such as; reduced charges, a lighter sentence, or a dismissal of other charges.



TRIAL: JURY OR BENCH

If a plea agreement cannot be reached, then a trial will commence. This can either be a Bench Trial (only Judge) or Jury trial (your peers). At a Trial, the Judge or a jury will hear all of the evidence and determine whether you are guilty or not guilty. If found guilty, the Judge will either sentence you or schedule a sentencing hearing for a later date. If found not guilty, the charges against you will be dismissed.



SENTENCING

A Court hearing where the Judge determines the appropriate punishment for a Defendant who has been found guilty of a crime, either through a guilty plea or a trial. At this hearing, both the Tribal Prosecutor and the Defense can present arguments and evidence to influence the Judge's decision regarding the sentence, which may include jail time, fines, community services, or other penalties.



APPEAL

You may still contest your conviction or sentence after a trial or plea by filing an appeal with the Trial Court and the Court of Appeals. After hearing an appeal, the Court may affirm, reverse, or modify the judgment or order appealed from, and may render a judgment or instruct the Tribal Court to render such judgment. A new trial, hearing or other proceedings may be directed as well.