Student’s name

Course id

Submitted to

Date

Pre-trial procedure:

A criminal case starts either by the filing of a complaint of a person who considers himself the victim of the prohibited behavior of another. The complaint is sent by the victim directly to the Public Prosecutor, or is collected by the police. After a suspect is arrested, the charges are filed at the police station. It is a formalized list of the names of the people and of the criminal acts that are imputed to them. Normally, after filing charges, they are photographed and fingerprinted. Your personal property is collected and stored in storage. Each person is allowed to make a phone call before going to the cell.

The initial appearance takes place in the magistrate's room. It must take place within 72 hours if there is an arrest warrant. It is only allowed to be at 48 hours if the detention was made without a warrant of arrest. The purpose of the initial appearance is to make sure that the person accused of a crime understands the charges that are made to him, and that due process of law is received. The right to have a lawyer. The judge will ask the defendant if he or she has hired a lawyer. The judge will also find out if the defendant is "destitute." Being destitute means missing the funds to pay a lawyer. The judge may appoint a lawyer from among the members of the local bar association to represent an indigent defendant. In some jurisdictions, one or more attorneys will be appointed as the "public defender". During the initial appearance, the judge will also determine the amount of the bond. In the case of some more serious crimes, the court of first instance (higher court) is the court that must determine the amount of the bond. The bail is an amount of money that must be deposited with the court. The money is a guarantee that the defendant will appear before the court each time it is required and that he will go to trial. By depositing bail, the defendant can get rid of remaining incarcerated until the day of trial. In Georgia, a defendant is generally allowed to be released on bail. This is unless the crime is capital (more serious), in which case, the courts usually deny bail. In many cases, bail is denied if the defendant is a habitual criminal. Bail will also be denied if the crime is violent, such as aggravated assault, even if it is not a capital offense.

Chart of pre-trial Procedure:

Arraignment

Felony indictment

Appear before a magistrate

Arrest

Charges filed

Trial

Guilty plea

References

Clark, C. E. (1956). Objectives of Pre-Trial Procedure. Ohio St. LJ, 17, 163.

Sunderland, E. R. (1937). Theory and Practice of Pre-Trial Procedure. Mich. L. Rev., 36, 215.