

Felony Charges are Filed

Below, you will find a diagram briefly explaining the process one can expect when felony charges are filed.

You get arrested or cited.



Decision by the District Attorney (D.A.)

It is extremely important to talk to an attorney during this stage of the case. Just because you have been arrested or cited does not necessarily mean that the District Attorney will file charges against you. In some cases, we have been able to convince the District Attorney not to file any charges by providing them with information that can not be gathered from a simple police report.



Felony charges are filed



Arraignment

If you are charged with a felony offense, your presence at the Arraignment is mandatory. At the arraignment, your lawyer can request the court excuse you from certain future court appearances. (Pen. Code §977)



Entry of Plea

There can be many appearances before any plea is entered in a felony case. During this time, we will be conducting investigation in order to determine the strengths and weaknesses of the prosecution case, and to determine the best strategy for you as the case proceeds.



Preliminary Hearing

This is a very important hearing. The District Attorney will be required to present evidence to a judge, and the judge must decide if there is probable cause to believe that you have committed a crime. While the standard of proof is much lower than a jury trial, this hearing gives us an opportunity to assess the strength of the prosecution case by cross examining the witnesses that testify.



Arraignment



Pretrial Motions

During this phase of the case, any motions that are appropriate, including suppression motions (Pen. Code §1538.5) or motions to dismiss (Pen. Code §995) can be heard by the court.



Scenario 1

Scenario 2

Scenario 3



Dismissal

Trial

Settlement

A trial date doesn't always mean a case will go to trial. Cases that appear on the trial calendar are discussed with the District Attorney and Judge prior to any decisions being made. Often times, the offer previously made by the prosecution is changed, and a new offer is made. The final decision whether a case goes to trial belongs to you.

-End-

