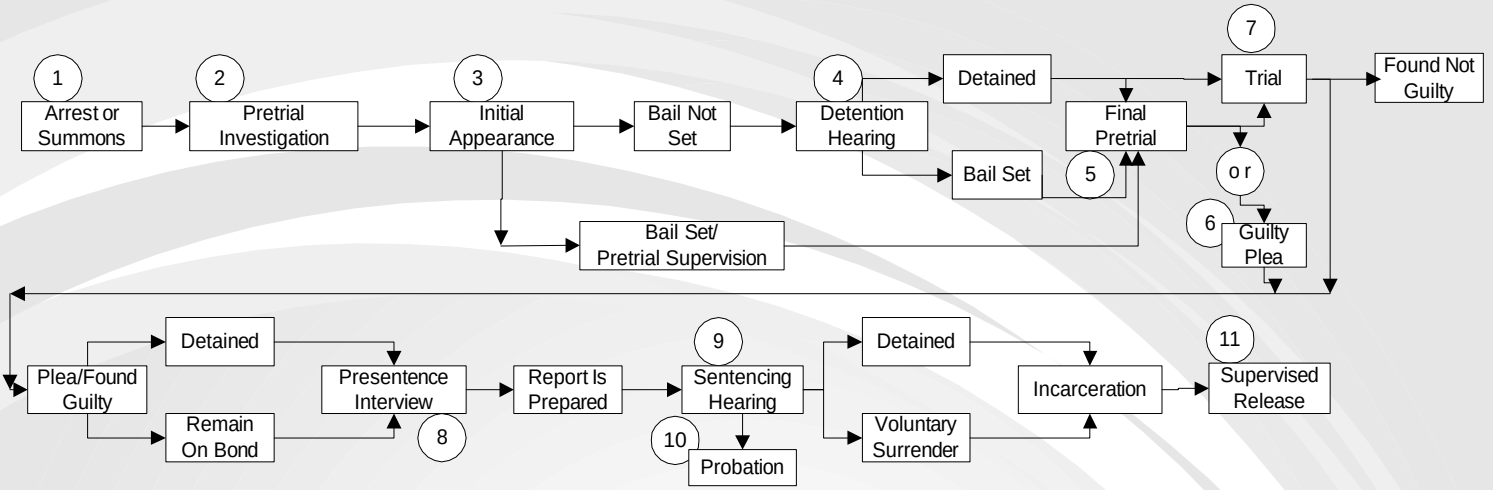

1. Arrest or Summons: Defendants are charged with a federal offense through a criminal complaint, information, or an indictment. They are either "arrested" or "summoned" to appear before a U.S. Magistrate Judge in Federal Court. If the defendant is arrested, it is under the authority of a federal arrest warrant or by law enforcement on a "complaint".

2. Pretrial Investigation: If time permits, the defendant will be interviewed by a pretrial/probation officer prior to appearing before a U.S. Magistrate Judge. The defendant will be questioned about family, residential, employment, educational, health, and criminal history information but will not be questioned about the charges and should avoid talking about the charges with the pretrial services officer. The defendant may desire his or her attorney present during the interview or may proceed without an attorney present. Information collected during the pretrial services interview will be verified through family members, employers, probation officers, and other sources. A pretrial services written report is submitted to the Judge, to defense counsel, and to the prosecuting attorney. The report includes; an assessment of the defendants risk of non-appearance or danger to the community; a recommendation regarding release on bond with release conditions; or a recommendation for detention pending the disposition of the case. This pretrial service report is solely for the purpose of determining whether the defendant is kept in jail or released on bond, and shall remain confidential.

3. Initial Appearance: The defendants first appearance in Court is called the "Initial Appearance." If arrested, the initial appearance will take place as soon as possible before a U.S. Magistrate Judge. If summoned to Court, the defendant's court date will appear on the summons. At the initial appearance, the Judge will: 1.) Inform the defendant of the charges; 2.) Appoint an attorney to represent the defendant; 3.) Set the next Court date; 4.) Make a release decision. During the initial appearance, the defendant can be released on bond or detained. If released on bond, conditions would be imposed that would insure future appearance in Court and minimize any danger the defendant might pose to the community. The pretrial services officer or probation officer must monitor the defendants Court ordered condition of release.

4. Detention Hearing: Following the initial appearance, a detention hearing is usually held within three business days if requested by the U.S. Attorney's Office, and up to five business days if requested by the defense counsel. A pretrial service report shall be provided to the U.S. Magistrate Judge at the detention hearing which includes personal and criminal history information, and a recommendation regarding bail consideration. If released on bond, the defendant will sign bond papers at the U.S. Clerk's Office, then immediately report to U.S. Probation for reporting instructions and review of the condition of release imposed by the Court.

5. Final Pretrial/Conference: The final Pretrial/Conference is a meeting with the attorneys and the District Judge to: discuss matters which may be in dispute; review evidence and witnesses that may be presented at trial; and establish time tables and/or discuss settlement of the case.

6. Plea of Guilty: A defendant may plead guilty during the initial appearance if charged in an Information. Otherwise, the plea of guilty will occur at any stage during the prosecution.

7. Trial: To determine whether the defendant is guilty or innocent of a crime a criminal trial is conducted. In a criminal trial, the defendant does not have to prove his/her innocence. Instead, the burden of proof of the defendants guilt is placed on the government. The government must provide evidence to convince the jury of the defendants guilt "beyond a reasonable doubt", meaning the evidence must be so strong that there is no reasonable doubt the defendant committed the crime. The jury, consisting of 12 members of the community, will determine the defendants guilt or innocence. If the defendant is found not guilty, the defendant is released and the government cannot appeal the case. If the verdict is guilty, or the defendant pleads guilty, a sentencing hearing will be set and the U.S. Probation Officer will prepare a report that will assist the District Judge in determining the appropriate sentence.

8. Presentence Interview/Report: The probation officer will conduct an interview with the defendant following a felony or Class A misdemeanor conviction to gather personal information. The presentence report summarizes for the court background information needed to determine the appropriate sentence and contains criminal history, family background, education, substance abuse history, medical and psychological history, financial background, and other information. This report not only assists the Judge in sentencing the defendant, but also the Bureau of Prisons in determining security risk, designation, and program placement. U.S. Probation also uses the presentence report to assist in supervising the defendant following their release from the Bureau of Prisons.

9. Sentencing: At the sentencing hearing, the Judge will determine what type of punishment the defendant will receive for committing the offense. The Judge could sentence the defendant to probation, unless prohibited by law, or to a term of incarceration. If a term of incarceration is imposed, the defendant will be ordered to voluntarily surrender or remain in custody until designated to a Bureau of Prisons facility.

10./11. Probation/Supervised Release: Probation is a sentencing alternative to a term of imprisonment in which the court releases the defendant to the supervision of a probation officer. That probation officer monitors the defendants compliance of Court ordered rules. For example, the defendant may be ordered to seek or maintain employment, attend substance abuse counseling, pay fines and/or restitution, etc. Supervised release is similar to probation, though it is a term used for defendants following their release from the Bureau of Prison. Any violation of the terms and conditions of the defendants supervised release or probation may result in either modifications of court ordered conditions and/or revocation proceedings. If alleged violations are proven, the defendants probation or supervised release may subsequently be revoked resulting in a period of incarceration. If all conditions of the defendants probation or supervised release are satisfied, they can be successfully released.