

Warrant

Usually, for the accused to be arrested, a warrant must be issued by a Magistrate Court Judge. A misdemeanor is a crime punishable by twelve months or less in jail. A felony is a crime punishable by one year or more in prison. Various fines may also be assessed upon conviction or guilty plea.

Arrest

An arrest is made when the police officially take a person into custody. Once the warrant is issued, the Police Department or Sheriff's Office will arrest the suspect.

Bond

After the arrest, the accused in certain crimes may be offered an opportunity to make bail (also called bond). By paying the amount specified by a Judge, the accused is allowed to be released from jail to await further legal proceedings. Some offenders are denied bail.

Certain crimes require that bond be set by a Superior Court Judge. These crimes include: Murder, Rape, Aggravated Sodomy, Armed Robbery, Aggravated Child Molestation, Aggravated Stalking, Aggravated Sexual Battery, Kidnapping, Arson, Aggravated Assault, or Burglary, if the person has a prior record of these charges.

For the individual suspected of committing one of these crimes, it is necessary for his or her attorney to petition the Superior Court for a bond hearing.

Preliminary Hearing

Several days after the arrest, a Magistrate Judge will hold a preliminary hearing to determine whether there is sufficient evidence to send the case over to a higher court (either State or Superior Courts). Misdemeanors are bound over to the DeKalb County Solicitor-General's Office for investigation and prosecution in State Court. Felonies are bound over to the DeKalb County District Attorney's Office for investigation and prosecution in Superior Court.

Grand Jury Presentation

The Grand Jury consists of 23 DeKalb County citizens. One duty of the Grand Jury is to determine if there is sufficient evidence to cause the suspect to stand trial for the alleged crime. Neither the defendant nor his attorney is present at the Grand Jury hearing.

After hearing the evidence, the grand jurors evaluate the case in private and vote to return either a TRUE BILL of indictment or a NO BILL. If a TRUE BILL is returned, the defendant is indicted and the case proceeds to Arraignment. A NO BILL serves as a dismissal of the charges.

In most cases, only a police officer will testify before the Grand Jury. However, in some cases, victims and witnesses also may be needed to testify.

Arraignment

After a case is indicted, a proceeding is scheduled in which the accused answers the charges against him. At this point the defendant enters his/her official plea to the charges--GUILTY or NOT GUILTY. If the defendant pleads NOT GUILTY, the case is set for trial. If the defendant pleads GUILTY, he may be sentenced that day. Note:

many defendants plead GUILTY after originally entering a NOT GUILTY plea at Arraignment.

It is not necessary for victims to be present at arraignment. Victims will receive notification by mail of the date of arraignment. Please contact the Assistant District Attorney prior to the date of the arraignment to discuss any particular concerns you have regarding restitution for stolen property, property damage, medical expenses, or other financial loss.

Motions

In many cases the attorneys may raise questions of law which must be decided by the court before the trial can proceed. The judge will conduct the necessary hearings and decide on the legal questions presented.

Usually, victims and witnesses are not required to attend such motions, but in the event your presence becomes necessary, you will be contacted.

Subpoena

When a person is required to testify in court, he or she will be notified by a subpoena. A subpoena is legal notification issued by the clerk of the court and will specify the date, time, and place of the hearings which the individual is required to attend.

Often there is no way of knowing which defendants will plead guilty to their cases and the order which the cases will be filed. Therefore, "on call" subpoenas are sent to victims and witnesses.

When you receive an "on call" subpoena, YOU MUST TELEPHONE the number on the subpoena IMMEDIATELY and let the Assistant District Attorney know how to contact you at all times during the week of the trial calendar. This is done for your convenience and usually will allow you to continue your daily routine.

If you receive a subpoena without the words "on call" typed on it, YOU MUST APPEAR in court on the date and time specified. You will probably be required to wait outside the courtroom until you are called to testify. Every effort will be made to avoid unnecessary delays and inconvenience.

Trial

The purpose of the trial is to determine the facts in the case. In a criminal trial, the District Attorney's Office represents the State of Georgia and a Defense Attorney represents the accused. Several cases are usually scheduled for trial during the same week. On the first day of the trial week, the Judge will decide which cases are ready to be tried and in what order. The court also will take guilty pleas from some defendants.

At the trial, the prosecution presents its evidence to the judge and jury first. When you are called into the courtroom, you will be sworn in as a witness, and the Assistant District Attorney will ask you questions about the case. When the Assistant District Attorney is finished, the defense will then have an opportunity to ask questions of you.

Upon completion of the closing arguments, the Judge delivers the "jury charge." The jury charge is the court's instruction to the jury as to the laws that should be applied to the evidence they heard during the trial.

Once the jury has been instructed as to the law, the jury retires to the jury room. Only the jury members are allowed into the room. There, the jury decides whether there is enough evidence to convict the defendant. Their final decision is called the verdict.

Sentencing

Sentencing may take place immediately upon a guilty plea or a guilty verdict. If the judge sentences the defendant on multiple charges, he may impose the sentences to run either concurrently (the time to serve runs together) or consecutively (the time to serve runs separately).

Probation

If the defendant is sentenced to serve a specified amount of time on probation, he is assigned to a particular probation officer. While serving probation, the defendant must report periodically to the probation officer and must fulfill all the conditions of probation imposed by the sentencing judge.

Prison Sentence

If the defendant is sentenced to prison, he will serve his sentence in one of the state institutions in Georgia. Offenders will be transported to a diagnostic facility within the Georgia Prison System. At the diagnostic facility, the inmate is subjected to a series of physical, educational, and psychological tests.

Parole

Parole is the release of a criminal from an institution prior to completion of the full sentence. Before an inmate can be paroled from prison, a parole hearing is conducted. You may object to the inmate's early release by submitting letters of protest to the State Board of Pardons and Parole.