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STAGES IN A FEDERAL CRIMINAL CASE

Stage 1: Pre-Filing Investigation

- Law enforcement gathers evidence.
- May involve search warrants, wire taps, subpoenas, or interviews.
- Defense can negotiate pre-indictment resolution with the U.S. Attorney's Office.

Stage 2: Charging: Complaint or Indictment

- Prosecutor files a criminal complaint or seeks an indictment from a grand jury.
- An arrest warrant may be issued at this stage.

Stage 3: Initial Appearance

- First court appearance after arrest.
- Appear before a magistrate judge.
- If the Government moves for detention, then a detention hearing takes place.
- Defense prepares bail motion and bond paperwork.

Stage 4: Preliminary & Arraignment Hearings

- In the Southern District of California, a preliminary hearing is set but rarely held.
- The U.S. Attorney almost always seeks an indictment first.
- In most cases, the defendant waives indictment, otherwise the U.S. Attorney takes the case to the grand jury before the hearing date.
- Not guilty plea is entered at the Arraignment hearing and the court schedules the Motion Hearing and Trial Setting (Stage 7).

Stage 5: Discovery & Investigation

- The government must provide its evidence, which can include police reports, surveillance, digital data, and lab results.
- The defense reviews every detail, interviews witnesses, consults experts, and investigates weaknesses in the government's case.
- Legal research is conducted to prepare motions and trial strategy.

Stage 6: Plea Negotiations

- The defense and prosecution discuss potential resolutions that avoid trial.
- Defense presents mitigation evidence.
- Negotiations can involve charge bargaining (reducing or replacing charges), sentence bargaining (agreeing on a recommended sentence), or both.
- The federal sentencing guidelines are often a major factor in negotiations.
- The defense may seek agreements that reduce the guideline range, dismiss certain counts, or avoid mandatory minimum sentences.

Stage 7: Motion Hearing and Trial Setting

- The court schedules deadlines for pretrial motions and sets a trial date.
- The defense argues motions to exclude evidence, dismiss charges, or challenge legal issues.

Stage 8: Trial

- Prosecutor must prove guilt "beyond a reasonable doubt."
- Involves jury selection, opening statements, witness testimony, cross-examination, and closing arguments.
- Verdict may be guilty, not guilty, or a hung jury.

Stage 9: Sentencing

- U.S. Probation prepares a Presentence Investigation Report (PSR) with background, offense details, and guideline calculations.
- Defense files a sentencing memorandum highlighting mitigation (history, rehabilitation, letters of support, expert reports).
- Judge hears arguments from both sides and imposes a sentence based on the law, guidelines, and case circumstances.