

## **TYPICAL CRIMINAL PROCEDURES IN A FELONY CASE UPON INDICTMENT**

### **Arrest & Indictment**

- When the United States charges a defendant in a criminal complaint, it has thirty days from the date of the defendant's arrest to obtain an Indictment. 18 U.S.C. § 3161(b). A United States District Judge may extend the time period to obtain an Indictment under certain circumstances.
- Upon the filing of an Indictment charging a felony, a United States District Judge is randomly assigned to preside over the criminal prosecution.

### **Arraignment**

- After indictment, in most sessions, the defendant appears before a United States Magistrate Judge for an arraignment, at which the Magistrate Judge ensures the defendant has a copy of the Indictment, reads the Indictment to the defendant or states to him the substance of the charges, and then asks the defendant to enter a plea to the Indictment. Fed. R. Crim. P. 10(a).
- After the arraignment, in most sessions, the Magistrate Judge handles matters regarding discovery.

### **Detention Hearing**

- At either the initial appearance or the arraignment, the United States may request that the Court detain a defendant pending trial. If the United States makes such a request, the Magistrate Judge will preside over a detention hearing and either release or detain the defendant. The government and the defendant each may appeal the Magistrate Judge's decision to a United States District Judge. The defendant may consent to detention.

### **Pretrial**

- The District Judge decides all substantive motions, for example, motions to suppress evidence or dismiss the indictment.

### **Trial or Plea**

- The District Judge presides over the plea colloquy or trial and, in the case of a conviction, imposes the sentence.