

Overview of Criminal Procedure

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Key stages, principles, and participants in the criminal justice process

1. Foundations of Criminal Procedure

Element	Description
Purpose	Ensure that alleged crimes are investigated and adjudicated fairly, protecting both society and individual rights.
Sources of Law	• Constitutional provisions (e.g., due process clauses) • Statutes (criminal codes, procedural acts) • Case law (precedents) • Rules of criminal procedure (often codified in a single “Criminal Procedure Code”).
Core Principles	• Presumption of innocence • Due process – notice, opportunity to be heard, impartial tribunal • Legality – no crime without a law, no punishment without a law • Proportionality – sanctions must fit the offense • Right to counsel and right against self-incrimination.

2. Major Phases of the Criminal Process

Phase	Primary Objectives	Typical Actors	Key Procedural Milestones
A. Investigation	Gather evidence, identify suspects, preserve the crime scene.	Police, detectives, forensic experts, prosecutors (in some jurisdictions).	• Filing of a complaint or police report. • Arrest or detention (with warrant or exigent circumstances). • Search & seizure (often requires a warrant).

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B. Precharge / Charging Decision	Determine whether sufficient evidence exists to proceed.	Prosecutor (or public prosecutor), sometimes a grand jury.	• Charging document (information, indictment, complaint). • Preliminary hearing (if required) to assess probable cause.
C. Initial Appearance / First Judicial Contact	Inform the accused of charges, advise rights, set bail.	Judge, defense counsel, prosecutor.	• Arraignment – formal reading of charges. • Bail/bond determination. • Initial plea (guilty, not guilty, no contest).
D. Pretrial Stage	Resolve procedural issues, exchange information, consider plea bargains.	Judges, prosecutors, defense attorneys, victims (as parties).	• Discovery – exchange of evidence, witness lists. • Motions – suppression, dismissal, change of venue. • Pretrial conferences. • Plea negotiations. • Jury selection (voir dire) if a jury trial. • Opening statements. • Presentation of evidence – direct and cross? examination. • Closing arguments. • Verdict (guilty, not guilty, or hung jury).
E. Trial	Determine guilt or innocence beyond a reasonable doubt (or by the standard applicable in a bench trial).	Judge (or jury), prosecutors, defense counsel, witnesses, court clerk.	

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F. Sentencing	Impose appropriate punishment and address ancillary orders (e.g., restitution).	Judge, sentencing commission (if any), prosecutor, defense counsel.	• Pre-sentencing report (often prepared by a probation officer). • Sentencing hearing – consideration of aggravating/mitigating factors. • Imposition of sentence (imprisonment, fines, community service, etc.).

**G. Post-conviction &