

About Criminal Cases

Infractions

Infraction crimes are not punishable by imprisonment.

A person charged with an infraction is not entitled to a trial by jury, and is not entitled to be represented by court-appointed counsel at public expense unless the person is held in custody.

The most common infractions are vehicle moving violations, which are typically charged/filed on traffic citations.

Infraction violations may not require a court appearance and can be processed in the Clerk's Office. However, if a defendant wishes to appear in court, he or she may schedule a court date to appear for arraignment and/or court trial.

Examples of Charges

- Traffic citations
- Minor Offense citations

Types of sentences imposed

- Bail forfeiture
- Fine
- Proof of correction ("Fix-It tickets")

Court Appearance

- May not be required and can be processed in the Clerk's Office
- Defendants may appear on or before the scheduled court date
- Trial is conducted by a Judicial Officer
- Not entitled to court-appointed counsel

Misdemeanor Cases

Misdemeanor crimes are generally punishable by a fine and/or a county jail term of one year or less. However, some offenses exceed these general criteria; for example, spousal abuse can carry a larger fine.

Common examples of misdemeanor violations include petty theft, prostitution, vandalism, and drunk driving.

Examples of charges

- Petty theft (see [Penal Codes](#))
- Prostitution (see [Penal Codes](#))
- Vandalism (see [Penal Codes](#))
- Drunk driving (see [Vehicle Codes](#))
- Domestic violence (see [Health and Safety Codes](#))

Types of sentences imposed

- Probation
- Court ordered programs
- County jail term of one year or less
- Base fine for most charges of \$1000 (not including fees and assessments) (There are some exceptions - spousal abuse can carry a maximum \$6,000 fine)

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Misdemeanor processing generally includes:

- An arrest is made
- Defendant is taken to jail where
 - No charges are filed and the defendant is released
For further information, contact the prosecuting agency:
 - District Attorney
 - City Attorney
 - Defendant posts bail and is released
 - Defendant is released on his/her own recognizance with date for future hearing
 - Defendant remains in custody until court hearing (arraignment)

Arraignment - the defendant is:

- Informed of the charges
- Advised of his or her constitutional rights
- Appointed an attorney, if he or she cannot afford one
- A plea is entered:
 - Not Guilty - he or she did not commit the crime
 - Guilty - admits that he or she committed the crime
 - No Contest (Nolo Contendere) - the charge is not contested. Same effect as guilty plea
- At the court hearing:
 - Bail is set and defendant is remanded to custody
 - Defendant is released on their own recognizance

Pretrial/Readiness Hearing

- Discovery is exchanged between the prosecutor and defense attorney
- Pretrial motions may be filed such as a motion to
 - Set aside complaint
 - Dismiss the case
 - Suppress evidence
- Defendant's plea may be changed to
 - Guilty
 - No Contest

Trial

Jury Trial

- A jury is selected
- Opening statements are presented
- Witnesses may testify
- Evidence is presented
- Closing statements are presented
- Jury deliberates and delivers verdict to the court

Court Trial

- Judge hears evidence and arguments

If the defendant is found guilty, the case may be

- Continued for sentencing
- Sentenced immediately

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If the defendant is found not guilty:

- Defendant is released

Appeal of conviction

- The defendant may appeal a conviction to the Appellate Division of the Superior Court

Felony Cases

Felony crimes are punishable by a sentence to state prison for at least one year, or death.

Some examples of felony crimes are murder, possession of dangerous drugs for sale, robbery and rape.

Examples of charges

- Murder (see [Penal Codes](#))
- Possession of dangerous drugs for sale (see [Health and Safety Codes](#))
- Robbery (see [Penal Codes](#))
- Rape (see [Penal Codes](#))

Types of sentences imposed

- Probation
- Local custody
- State prison
- Death

Felony processing generally includes:

- An arrest is made
- The defendant is taken to jail where either:
 - No charges are filed and defendant is released
For further information, contact the prosecuting agency:
 - District Attorney
 - City Attorney
 - Defendant posts bail and is released with a future date to appear in court
 - Defendant is released on his or her own recognizance with date for future hearing
 - Defendant remains in custody until court hearing (arraignment)

Arraignment - the defendant is

- Informed of the charges
- Advised of his or her constitutional rights
- Appointed an attorney, if he or she cannot afford one
- A plea is entered by the defendant:
 - Not Guilty - he or she did not commit the crime
 - Guilty - admits that he or she committed the crime
 - No Contest (Nolo Contendere) - the charge is not contested. Same effect as guilty plea
- At the court hearing:
 - Bail is set and the defendant is remanded to custody
 - Defendant is released on his or her own recognizance

Preliminary Hearing

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- Prosecuting agency files an information document
- Judge determines if there is sufficient evidence to hold the defendant for trial
- Defendant is arraigned on the information and enters a plea and proceeds to trial

Readiness Conference

- Discovery is exchanged between the prosecutor and defense attorney
- Pretrial motions may be filed such as a motion to
 - Set aside complaint
 - Dismiss the case
 - Suppress evidence
- Defendant's plea may be changed to
 - Guilty
 - No contest

Trial

Jury Trial

- A jury is selected
- Opening statements are presented
- Witnesses may testify
- Evidence is presented
- Closing statements are presented
- Jury deliberates and delivers verdict to the court

Court Trial

- Judge hears evidence and arguments

If the defendant is found guilty:

- The case may be continued for sentencing; or
- The defendant is sentenced immediately

If the defendant is found not guilty:

- The defendant is released

Appeal of conviction

- The defendant may appeal a conviction to the Court of Appeal of the State of California