
American Criminal Justice System: The Different Stages of an Arrest

The criminal justice system process for an arrest is pretty much the same for every state, with just a few exceptions. Depending on the state that an individual is in will determine the process of their arrest and the crimes they are charged with. Suspects will go through the same stages of an arrest up until the time they are sentenced. This paper will further detail the different stages of an arrest from the time a suspect is arrested until they are taken to trial and given their sentence.

The Arrest

An officer's job is not an easy task and when it comes to arresting someone, the process should be followed appropriately. When it comes to taking someone into custody, the suspect is arrested, charged, read their rights, and taken to jail. The suspect will be booked, meaning they are photographed, fingerprinted, and given a receipt for their possessions (Palmer-Johnson, 2015). Once the process is complete, the defendant will be placed in a holding cell to await their appearance in court.

Initial Appearance

The initial appearance phase consists of the judge looking over the case and determining whether there is enough probable cause that the defendant is guilty or not (Holloway, 2014). Once the evidence is viewed by the judge, he or she will inform the defendant of the charges, set bail, and set a date for the preliminary hearing. If there is enough evidence to believe the defendant committed the felony, the next step would be to set a date for a preliminary hearing or a grand jury (Holloway, 2014). Once the date is set, the defendant will await their preliminary hearing date.

Preliminary Hearing

The next phase is the preliminary hearing, which will determine whether a crime has been committed and whether the defendant should be tried or not. The prosecutor will present enough evidence in order to demonstrate that the defendant is guilty (Holloway, 2014). The judge looks at the facts of the case and will determine whether or not to proceed towards trial. If the judge does not agree that there is sufficient evidence to indict the accused, the charges will be dropped. In this case, the prosecutors will then take the case to the grand jury (Holloway,

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2014). Here the jury will decide on the course of the case on a more private level.

Grand Jury

The grand jury is in charge of determining whether or not the government has enough evidence to advance to a criminal trial (Peabody, 2014). They are not in charge of determining the guilt or innocence of the accused; rather they act as a buffer between the government and the people who are charged with crimes. Cases are heard by the jury in which witnesses are called in and evidence is presented. Unlike trial proceedings, these hearings are done in secret and the defendant has no right to present evidence, unless the jury grants this right (Peabody, 2014). After all the facts are reviewed and the evidence is determined sufficient, the following step is to take the defendant to trial.

The Trial

Once the defendant has gone through the first phases, they are given a trial date. During the trial, the prosecution presents all the evidence of the case, and they must prove beyond a reasonable doubt that the defendant is guilty of the crime he or she is being charged for (Trial, 2017). Once the defendant's guilt or innocence is determined, they will be charged with the crime and given their sentence. If the jury is unable to reach a verdict, there could be a mistrial declared by the judge and the case will be dismissed or a new jury will be chosen.

Sentence

The next phase is the sentence the defendant will receive for their crime. The judge sets the sentence whether it is incarceration, probation or psychological treatment. There are a number of factors analyzed such as the nature and severity of the crime, the criminal history, personal circumstances, and the degree of remorse the defendant feels (Gregware, 2014). These will help clear what the best option is for the defendant. Once the sentence is set, the defendant will be taken out of the court room and transported to the institution assigned.

Appeal

After the trial, the defendant is able to appeal their sentence and take it to court. They can ask for a higher court to review their case and possibly overturn the sentencing. If indeed the court finds an error on the case or the sentencing, the court may be able to reverse the conviction or find that the case should be re-tried.

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