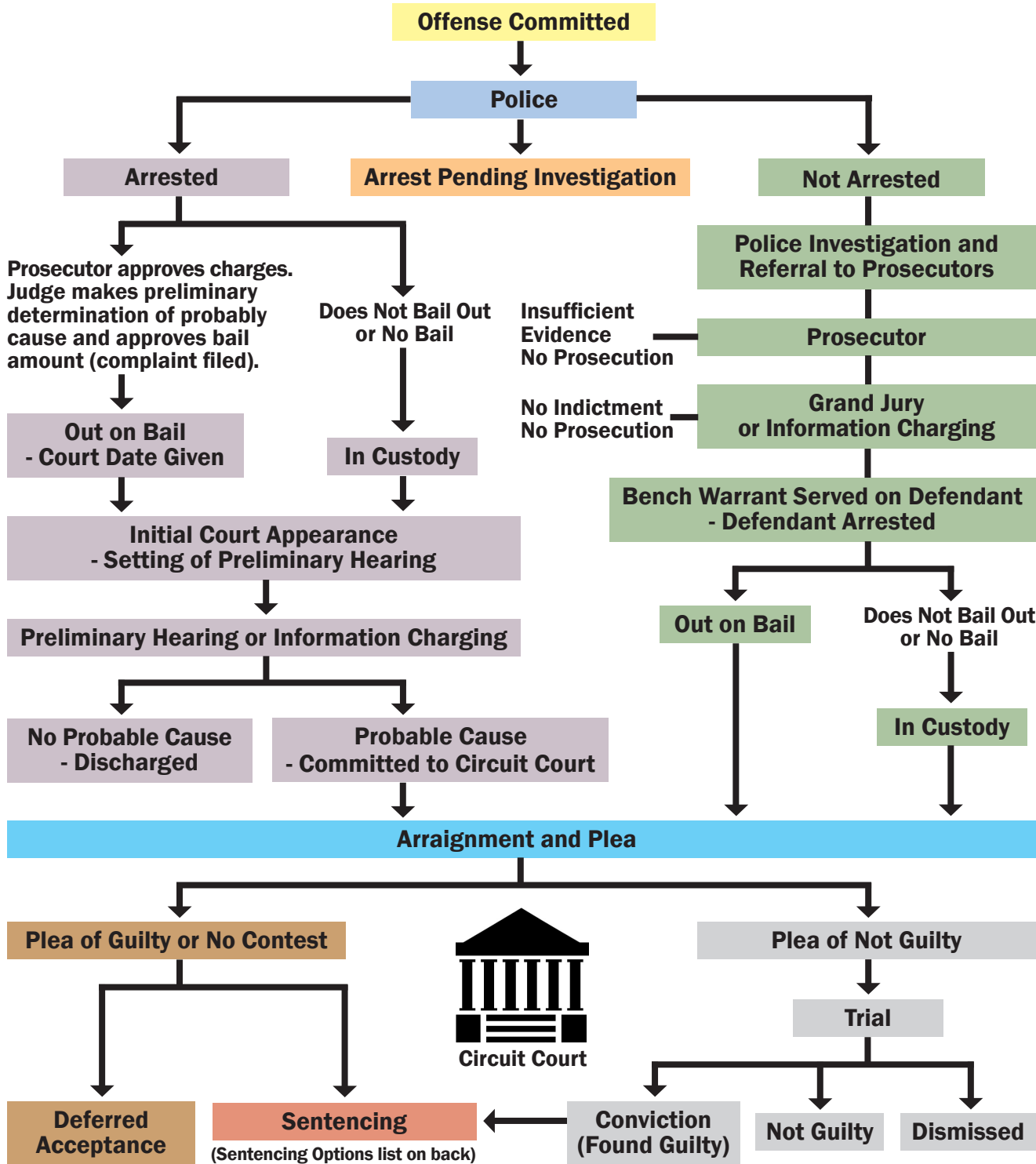


ADULT FELONY CASES



DEFINITIONS

Arraignment: A hearing at which the defendant is formally notified of the charges against him and at which time a plea of not guilty, guilty, or no contest is entered. If a not guilty plea is entered, the case is given a trial date.

Bail: An amount of money set by the police or court which must be posted or pledged before an accused may be released from jail, to assure the person's presence in court.

Bench Warrant: A written court order directing the police or the sheriff to arrest a person who has failed to appear at court, failed to follow a court order, or has been indicted by the Grand Jury, or charged via information for a crime.

Defendant: A person arrested and charged with committing a crime.

Deferred Acceptance: Deferred Acceptance of Guilty Plea (DAG) or Deferred Acceptance of No Contest Plea (DANC) – A pretrial procedure under which acceptance of a plea of guilty or no contest may be postponed and the defendant eventually discharged without a judgment of guilty, upon successful completion of terms and conditions set by the court.

Dismissed: The court can dismiss the case against the accused if: (1) upon completion of the prosecution's case, the prosecution has failed to meet its preliminary burden of proof; or (2) if the jury is unable to reach of verdict and the court determines that further prosecution would be inappropriate.

Felony: A serious crime, as opposed to a misdemeanor; the distinction is often made in terms of the applicable punishment, felonies being punishable by more than a year in jail.

Grand Jury: A jury of men and women made up of sixteen people who determine if there is probable cause to believe that the defendant committed the crime.

Indictment: A written accusation charging a person with the commission of a crime that is based on a finding of probable cause by a grand jury.

Information Charging: It is the process by which criminal charges are instituted by written information submitted by the prosecutor and approved by the court.

No Contest or “Nolo Contendere”: A plea which has a similar legal effect as pleading guilty. A defendant may plead nolo contendere only with consent of the court. The principal difference between a plea of guilty and a plea of nolo contendere is that the latter may not be used against the defendant in a civil action based on the same acts.

Plea: A defendant’s answer to a charge filed against him (guilty, not guilty, no contest).

Preliminary Hearing: A proceeding in which the judge determines whether there is probable cause to believe that the defendant committed the crime.

Probable Cause: Such a state of facts as would lead a person (person of ordinary caution and prudence) to believe and conscientiously entertain a strong suspicion of guilt of the accused.

Prosecutor: A lawyer who represents the State in criminal proceedings responsible for bringing the accused to justice.

Sentencing: After a defendant pleads guilty to a crime, or is found guilty of a crime after a trial, sentencing is the time when the court decides what punishment to give to the defendant.

Trial: A proceeding at which evidence is presented to a judge or jury who then decides whether the defendant committed the crimes charged.

Verdict: The formal decision, guilty or not guilty, made by the jury as to charged offenses.

SENTENCING OPTIONS

- ▶ Probation with special conditions such as*:
 - ◆ Imprisonment
 - ◆ Pay a fine
 - ◆ Drug testing
 - ◆ Drug treatment (residential & outpatient)
 - ◆ Electronic monitoring
 - ◆ Community service
 - ◆ Sex offender treatment
 - ◆ Counseling programs
- ▶ Restitution
- ▶ Alternative programs**
- ▶ Pay a fine
- ▶ Driver’s license suspension
- ▶ Driver education (for DUI)
- ▶ Imprisonment
- ▶ Parole – Supervision after serving a time in prison. No parole supervision if a maximum prison term is served by offender

* Refer to Hawaii Revised Statutes (HRS) 706-624
Conditions of Probation

** Refer to HRS 706-605.1

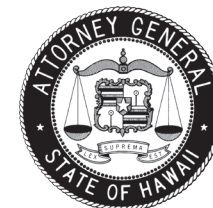
These criminal justice flow charts were produced to give the general public a better understanding of the criminal justice system. These are basic models and portray the most common sequence of events in response to serious criminal behavior. It is not representative of any individual case.

In accordance with the Americans with Disabilities Act, P.L. 101-336, this material is available in an alternate format, upon request. If you require an alternative format, please call the Department of the Attorney General, Crime Prevention & Justice Assistance Division at (808) 586-1150.



Criminal Justice Flow Chart

ADULT FELONY CASES



**Department of the Attorney General
Crime Prevention & Justice
Assistance Division**

235 S. Beretania Street, Suite 401
Honolulu, HI 96813

Phone: (808) 586-1150

Website: ag.hawaii.gov