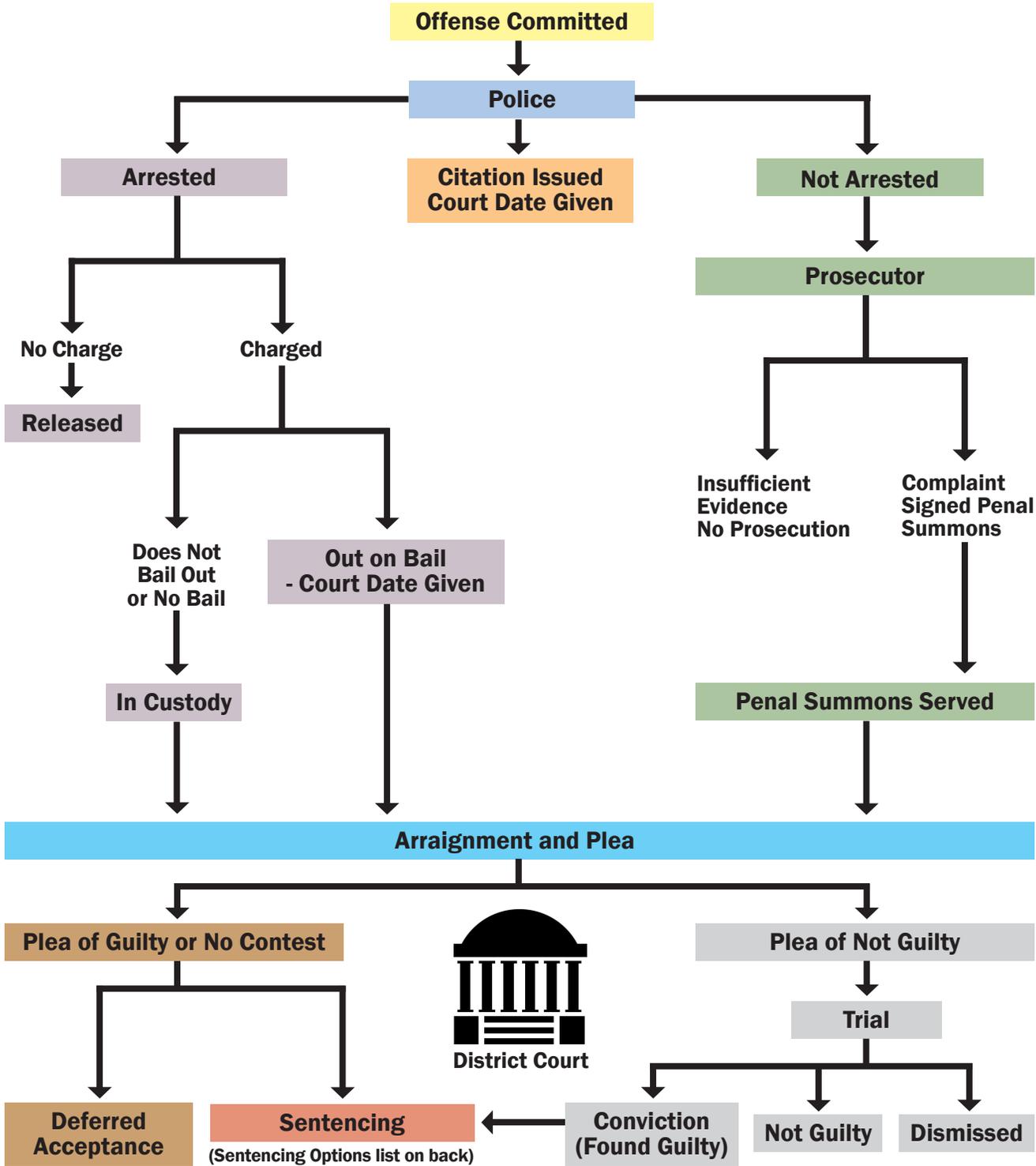


## ADULT MISDEMEANOR CASES



## 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.

**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 a verdict and the court determines that further prosecution would be inappropriate.

**Misdemeanor:** A crime with a punishment of no more than one year in jail.

**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.

**Penal Summons:** An official complaint with court date set.

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

**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.

**Released:** After arrest, the defendant may be released with no charge, or released pending investigation.

**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.

## SENTENCING OPTIONS

- ▶ Probation with special conditions such as\*:
  - ◆ Jail
  - ◆ Pay a fine
  - ◆ Drug testing
  - ◆ Drug treatment (residential & outpatient)
  - ◆ Electronic monitoring
  - ◆ Community service
  - ◆ Sex offender treatment
  - ◆ Counseling programs
  - ◆ Domestic violence intervention program
- ▶ Restitution
- ▶ Alternative programs\*\*
- ▶ Pay a fine
- ▶ Driver's license suspension
- ▶ Driver education (for DUI)
- ▶ Jail – Confinement up to 1 year

\* 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 alternate format, please call the Department of the Attorney General, Crime Prevention & Justice Assistance Division at (808) 586-1150.

Note: Misdemeanor domestic violence cases are generally heard in Family Court. Refer to HRS §806-83.



# Criminal Justice Flow Chart ADULT MISDEMEANOR 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