



Will I Go To Trial If I Am Charged With A Crime?

Most people are unfamiliar with criminal court process so, when charged with a crime, they are uncertain of what will happen in court. Understanding criminal procedure laws in Minnesota can help an individual know what to expect throughout his or her experience in the legal system. The exact [Minneapolis Criminal Defense Attorney](#) procedures may slightly differ depending on what an individual is charged with, as well as the severity of the alleged crime. In any case, just because an individual is charged with a crime does not mean that a trial will automatically ensue. The various hearings that will likely occur after an individual is charged with a crime are discussed below.



Hearings in a Misdemeanor Case

Arraignment

An arraignment hearing is the first hearing to occur when one is charged with a misdemeanor offense. At this hearing, an attorney reviews the criminal complaint with the individual charged with the crime, and explains the individual's constitutional rights, including the right to

have a jury trial if jail time may be imposed.

When the individual appears in front of the judge, he or she will have to enter a plea of either guilty or not guilty. If the individual enters a guilty plea, the judge will ensure that the individual understands what crime he or she committed. Further, the judge will establish that the individual knows he or she is giving up the constitutional rights, including the right to a trial. In misdemeanor cases, the judge will likely sentence the person charged with the crime the same day. The maximum penalty for a misdemeanor is ninety days and jail and a \$300 fine.

If the individual pleads not guilty, the judge will either set bail or set conditions of release. Conditions of release vary from case to case, but generally may require an individual to remain law abiding, return to all



future court dates, and abstain from activities involving drug or alcohol use. The judge will then set a pretrial date.

Pretrial

If one pleads not guilty, the judge will set the date of the next hearing, known as the pretrial or settlement conference. This hearing is designed to give the parties the chance to reach a settlement agreement. However, if an agreement cannot be reached, the judge will set a trial date.

Trial

If a case is still not settled, a trial will occur. A criminal defendant has the right to either a trial to the judge or to a jury that consists of 6 jurors. In order for the State to prevail, it must prove an individual's guilt beyond a reasonable doubt, and all jurors must agree that the individual is guilty beyond a reasonable doubt. If the individual is found guilty on any charge, a sentencing hearing will follow.

Hearings in a Gross Misdemeanor or Felony Case

First Appearance Rule 5 Hearing/Rule 8 Hearing

If an individual is charged with a Gross Misdemeanor or Felony, the initial court appearance is called a First Appearance. At this hearing, the judge will ensure that an individual understands his or her constitutional rights. Further, the judge will determine whether bail is appropriate, or if the individual may be conditionally released as discussed above. In making the determination, the judge considers public safety and whether the defendant will return to court.

Typically, the first appearance is combined with a Rule 8 Hearing, where a prosecutor turns over a copy of the individual's file. The file will likely include the criminal complaint, police reports, and transcripts of witness statements. An individual is not required to enter a plea of guilty or not guilty at the first appearance.

Omnibus Hearing

The hearing following a First Appearance/Rule 8 Hearing is called an Omnibus hearing. This hearing gives an individual's attorney a chance to address pretrial legal issues. For example, an attorney will address whether one's constitutional rights were violated, or whether there is sufficient probable cause to charge the accused with a crime. If such issues are addressed, a contested omnibus hearing will be scheduled to determine the admissibility of the contested evidence at trial.

Pretrial



Similar to misdemeanors, the next hearing is called a pretrial or settlement conference. As in misdemeanor cases, the hearing is designed to allow the parties to resolve the case via a plea agreement. If no agreement can be reached, a trial date will be set.

Trial

In gross misdemeanor and felony cases, an individual also has the right to either a court trial or jury trial. Unlike misdemeanor and gross misdemeanor cases, where 6 jurors determine one's guilt, in a felony trial, the jury consists of 12 jurors. Again, the State must prove one's guilt beyond a reasonable doubt, and all jurors must agree upon one's guilt. If one is found guilty, sentencing will follow at a later date.

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