

MISDEMEANOR: a criminal charge punishable by one year or less in the county jail.

This pamphlet is designed to provide you with a brief overview of how a misdemeanor case is processed.

Please remember not every case will go to trial, so not all of the steps listed will apply in every case.

PROSECUTING ATTORNEY'S OFFICE

1. Warrant Request

After an investigation, the Police may ask the Prosecutor's Office to authorize a warrant for their arrest.

2. Decision to Prosecute

The Prosecutor's Office determines whether or not to charge a person with a crime, and what the crime should be.

DISTRICT COURT

3. Arraignment in District Court

After the defendant is arrested, the defendant appears in District Court. This is called an arraignment hearing and the court reads the criminal charges to the defendant, sets bond, and schedules the next hearing date. If a defendant pleads guilty, the case will proceed to sentencing. If a defendant pleads not guilty, the case proceeds to a pretrial.

4. Pretrial

This is a meeting in which the Prosecutor's Office and the defendant's attorney (or the defendant, if he/she does not have an attorney) meet to discuss the case, resolve all possible issues with the case, and discuss whether there will be a guilty plea, motions, or a trial.

5. Trial

Bench Trial: the judge decides whether the defendant is guilty based upon the testimony and other evidence provided to the judge at trial.

Jury Trial: fellow citizens decide whether the defendant is guilty based upon the testimony and other evidence provided to the jury at the trial. In a District Court case, there are six jurors. The jury's verdict must be unanimous.

6. Sentencing

If a defendant pleads or is found guilty, the judge may set a date for sentencing. A pre-sentence investigation report may be prepared by the probation department. The pre-sentence report contains information about the crime committed, a defendant's background, and sentence recommendations. If a written victim impact statement or request for restitution has been submitted, it will be included in the presentence report. The judge will read all information included in the report, and this will help the judge in determining appropriate sentencing of the defendant. The judge may consider different alternatives, such as fines, probation, community service, a sentence to jail, or any combination of these. The judge may also order the defendant to pay restitution to any victim who may have suffered a financial loss as a result of the defendant's criminal actions.

7. Appeals

The defendant may appeal his/her conviction to the Circuit Court. It is also possible that he/she may appeal to the Michigan Court of Appeals, the Michigan Supreme Court, or the United States Supreme Court.

8. Expungement

A defendant with only one prior conviction can ask the court to set aside the conviction, upon meeting statutory requirements. If expunged, the defendant's record of conviction is no longer public.

Please remember that our office and Victim/Witness Program can offer information which will be beneficial to you during your court case.

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