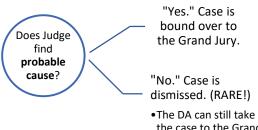
# YOUR CRIMINAL CASE IN GENERAL SESSIONS COURT IN TENNESSEE

Criminal cases begin in General MISDEMEANOR CHARGE **FELONY CHARGE** Sessions Court. (sentence of 1 yr or more) Some end there but (sentence of < 1 yr) others go on to Criminal Court. Plea down to Dismissal or Preliminary Bench trial Dismissal or Information **Preliminary** Plea Retirement Hearing (Uncommon) Retirement Agreement Hearing lmisdemeanor

## **Preliminary Hearing**

- Testimony from officers /witnesses
- Judge decides if there is probable cause to bind over to the Grand Jury.



bound over to the Grand Jury.

dismissed. (RARE!)

the case to the Grand Jury! This is called a "Direct Presentment."

# **Grand Jury**

- Group of 12 ordinary citizens
- •The police and DA present evidence to the Grand Jury
- You cannot testify and your lawyer cannot participate.
- •The Grand Jury determines (again!) if probable cause exists.

Does Grand Jury find probable cause?

"Yes." Case is indicted & continues to **Criminal Court** 

"No." Case is over. (VERY RARE)

### Criminal (Circuit) Court

- Your attorney can get discovery from the DA. Discovery is the evidence that the state intends to use against you.
- •There may be motions filed about various matters, such as excluding evidence.
- •You may enter a plea agreement.
- •You may have a trial with a jury.
- •The state is required to prove your guilt beyond a reasonable doubt in order to convict you.

There is usually a Grand Jury backlog. It can take 3 or more months to get from the preliminary hearing to criminal court.

#### What is **PROBABLE CAUSE**?

- A reasonable basis for believing a crime was committed and that you committed it.
- Very little evidence is required. Testimony from an officer or witness is usually sufficient.



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This is not intended as legal advice. Your use of this resource does not create an attorney-client relationship. Please consult an attorney if you are charged with a crime.

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