

ORIGINS OF FEDERAL CRIMINAL CASES

1. Probable Cause Arrest*

(By Police)

Defendant Booked

w/in 48 hours

Or

2. Complaint

Probable Cause by Magistrate Judge

Complaint/Initial Appearance

- Presented to Magistrate Judge
- Prepared by U.S. Attorney
- Sets out charge(s)
- Sets out Probable Cause
- Magistrate/District Court Judge must find Probable Cause of Federal Offense
- Necessary to hold Defendant
- Defendant Initial Appearance before Magistrate Judge
 - o Counsel
 - o Informed of charge(s)
 - o Informed of penalty
 - o Detention status determined

Or

Complaint/Arrest Warrant**

- Presented to Magistrate Judge
- Prepared by U.S. Attorney
- Sets out charge(s)
- Magistrate/District Judge finds Probable Cause
- Arrest Warrant issued

Or

3. Indictment***

Probable Cause by Grand Jury

- Constitutionally Required
- Prior to or in lieu of Complaint

Must indict w/in:
 - 10 days if in custody
 - 30 days if not in custody

Arraignment/ Initial Appearance

- Counsel
- Informed of charge(s)
- Informed of penalty
- Detention status determined
- Trial set
- (70 day Speedy Trial clock begins)

4. Information

Waiver of Probable Cause/ Right to Indictment

By Grand Jury or in Misdemeanor A cases

5. Misdemeanor/ Petty Offense Citations

Misdemeanor, Petty, Infraction offenses committed on Federal Property

Processed by Central Violations Bureau (CVB)

Summons/ Citation Notice

Arraignment/Trial before Magistrate Judge

Examples:

*Bank robbery in presence of officer

**Bank robber identified after investigation/ arrest sought

***Fraud scheme