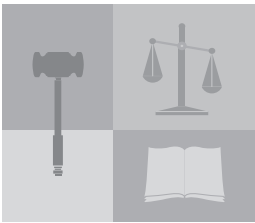


You Have the Right



What You & Your Family Should Know
In Case You Are Arrested in Illinois

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Foreword

At any time, a police officer may arrest you if the officer suspects that you have committed a crime. For this reason, it is important that you understand your legal rights.

This guide offers basic information about your legal rights if you are arrested. It describes different phases of the criminal justice system and some things you'll need to know at each phase.

It also provides simple instructions on how your family can help you, and how they too can receive help.

A glossary is included to help you understand some of the legal terms you may hear. (See "Terms You Should Know" on pages 22–23.)

This guide is not a legal document and is not intended to take the place of a lawyer. You should immediately consult a lawyer if you are arrested. (See page 4 for agencies you can call for legal assistance.)

***Note:** This guide focuses primarily on felony crimes, but does briefly address misdemeanor crimes on pages 8 and 19.*

What to Do If Arrested

Do...

Stay calm at all times.

Ask for a lawyer (even if you can't afford one).

Give your real name, age, date of birth, and address. After that, wait until your lawyer says it is okay to speak.

Request a receipt of all money and property taken from you.

Take careful note of your surroundings (names, etc.).

Ask questions to help you understand what is happening to you.

Once in court, ask the judge to assign you a lawyer if you do not have one.

Appear at every court hearing on time.

READ. Request to see and/or receive copies of all paperwork related to your case (such as, copies of the charges against you and/or any motions that have been filed).

Don't...

Don't resist, run, or hide from the police.

Don't lie. You must give your real name, age, date of birth, and address.

Don't answer questions about the crime you are suspected of committing until you talk to your lawyer first.

Don't get discouraged. Help is available.

Whom to Call for Legal Help

Illinois

Illinois State Bar Association Lawyer Finder

Phone: (217) 525-5297

Web: www.illinoislawyerfinder.com/search.html

Free lawyer referrals. You are entitled to a half-hour consultation for a fee not to exceed fifteen dollars.

Illinois Criminal Justice Information Authority (ICJIA) Frequently Asked Questions

Phone: (888) 425-4248

Web: <http://www.icjia.org>

In the search box, type in “Frequently Asked Questions.” Under the question #6, there is a list of agencies offering legal assistance throughout the state.

Chicago

Chicago Bar Association’s In-Court Lawyer Referral Program

Phone: (312) 554-2001

Web: www.chicagobar.org (See “Legal Programs” in left menu bar)

Assigns experienced lawyers to criminal courts. Lawyers provide assistance for a reasonable fee or a cash bond.

Public Interest Law Initiative (PILI)

Phone: (312) 906-5050

Web: www.kentlaw.edu/academics/clinic/probono.html

Free program involving students of Chicago–Kent College of Law who work closely with professors on criminal or civil cases.

First Defense Legal Aid

Phone: (800) 529-7374

Web: www.first-defense.org

Offers free 24-hour legal representation and advice to any individual taken into Chicago Police Department custody.

Your Legal Rights

You Have The Right to . . .

Know why you are being arrested.

Ask for a lawyer whether or not you can afford one.

One free phone call.

Remain silent.

Wait to consult your lawyer before speaking to the police about the crime.

Have your lawyer present whenever you are questioned.

Stop answering at any time without being punished for doing so.

Ask the judge to assign you a free lawyer if you are unable to afford one.

Have the charges against you read aloud in court and obtain a copy.

Plead guilty or not guilty.

Refuse or accept a plea bargain.

Choose a jury or a judge to review the facts of your case.

A speedy, fair, and public trial (within 60–120 days).

Have your lawyer cross-examine witnesses.

An accurate pre-sentence investigation report.

Appeal the decision of either the jury or the judge (30-day limit).

Not be placed in jeopardy twice for the same offense.

Question what is happening to you.

More detailed descriptions of these rights and what you can expect in the different phases of the criminal justice system are contained in the following pages.

Understanding the Criminal Justice System

Upon arrest, you enter the first phase of the criminal justice system (see Figure 1). As you can see, there are multiple phases.

Phase 1: Arrest

Phase 2: Bond Hearing

Phase 3: Preliminary Hearing or Grand Jury

Phase 4: Arraignment

Phase 5: Pre-Trial Conference

Phase 6: Trial

Phase 7: Pre-Sentence Investigation

Phase 8: Sentencing Hearing

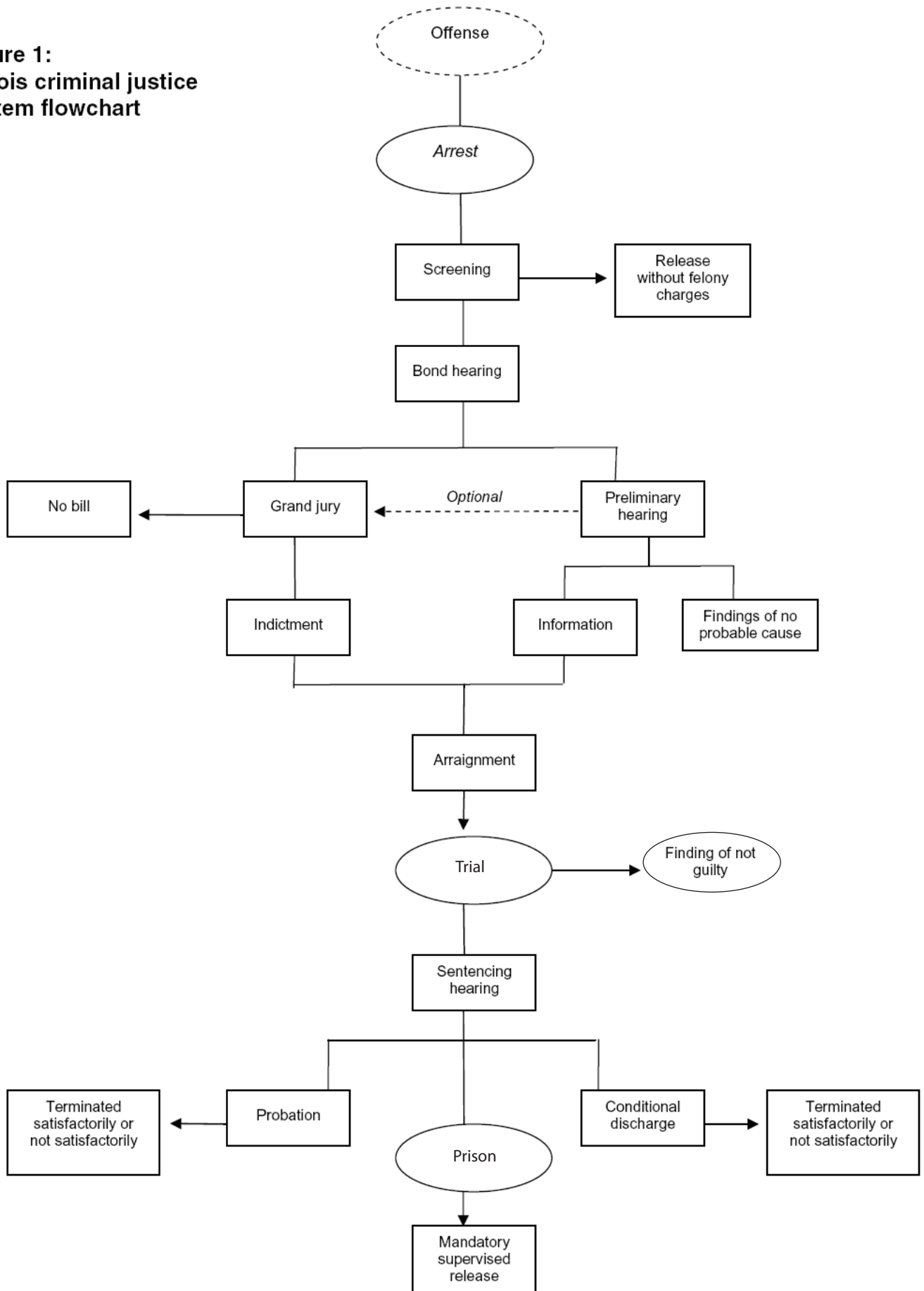
Phase 9: Appeal

The following pages will give you a closer look at what happens in each of the above phases. Learn what your legal rights are during each phase, and discover some helpful tips that you and your family can use to make sure your rights are honored.

At different phases in the criminal justice system, there are programs to help defendants with certain problems such as drug addiction or mental health issues. For instance, there's an Illinois law that allows eligible defendants who are addicted to alcohol or drugs to receive rehabilitative treatment and supervision instead of traditional sentencing. This is done through a program called TASC. There are many other programs in different parts of the state.

If you are dealing with problems that you think contributed to your arrest, ask your attorney what programs might be available to you.

**Figure 1:
Illinois criminal justice
system flowchart**



Source: Illinois Criminal Justice Information Authority (<http://www.icjia.state.il.us/public/pdf/TI%202008/Introduction.pdf>)

Phase 1: Arrest

The main responsibility of the police is to keep the community safe. If the police have reason to suspect, or have evidence to prove, that you have broken the law or committed an offense or crime, they may arrest you.

At arrest: The police may not use excessive force or brutality when arresting or questioning you, or at any time while you are in their custody.

They are not obligated to inform you of your rights (such as your right to remain silent, to have an attorney, etc.), except when they intend to question you about the crime you are accused of committing.

You will know that you are under arrest because you will not feel free to leave police custody.

In custody: Once arrested, you will be taken to the police station where you may be fingerprinted, photographed (mug shot), and jailed.

The police, depending on the information they have gathered, will formally file a complaint charging you with a crime, or request a screening of your case, or release you from their custody.

Is the crime a Misdemeanor?

If a formal complaint is filed, you are likely being accused of committing a misdemeanor crime.

Misdemeanor crimes are usually less serious than felony crimes. (The punishment for a misdemeanor can be up to a year at the local county jail, and/or probation, and/or fines.)

Misdemeanors are categorized from Class A (most serious) to Class C (less serious). Crimes such as possession of 30 grams or less of marijuana or reckless conduct are misdemeanors.

Depending on how serious the crime is, a couple things could happen. You may be released once you receive a notice informing you of your first court date and/or once you have paid the required bail.

Bail is the amount of money that you pay as guarantee that you will show up to court. If you are unable to pay the bail, you may have to remain in police custody until the arraignment (phase 4).

Is the crime a Felony?

If the police request a screening of your case by the State's Attorney's Office, you are being accused of committing a felony crime.

Felony crimes are considered very serious and are punishable by more than a year of prison, probation (instead of jail time), and/or fines. Felony crimes are categorized

from Class X (most serious) to Classes 1–4 (less serious). Crimes such as possession of more than 30 grams of marijuana and robbery are felonies.

The police will contact the screening unit of the State’s Attorney’s Office to come and review the details of your case. The attorney screening your case will determine what charges to file against you. You will, however, not be formally charged until the arraignment (phase 4), but you will proceed on to a bond hearing (phase 2).

Your bond hearing must take place within 48 hours of your arrest.

At Arrest...

You Have The Right to:

- Know why you are being arrested.
- Ask for a lawyer whether or not you can afford one.
- Remain silent.
- Wait to consult your lawyer before speaking to the police about the crime.
- One free phone call.
- Have your lawyer present whenever you are questioned.
- Stop answering at any time without being punished for doing so.

Helpful Tips:

- Don’t resist, run, or hide from the police.
- Give your real name, age, date of birth, and address. After that, ask the police for a lawyer (even if you can’t afford one).
- Remain silent. Wait for your lawyer before speaking about the crime. Your words can be used against you later on in court.
- Ask the police when and where your bond hearing (phase 2) will take place. Tell your loved ones.
- Do not share any other details over the phone.
- Ask your loved ones to (1) find a lawyer to represent you—see resources on page 4; (2) bring documents proving your income to hearing.
- Be patient, and try not to get discouraged.

Phase 2: Bond Hearing

During the bond hearing, you will be brought before a judge who will determine the amount of your bond/bail.

There are three types of bonds:

- **Individual Recognizance Bond (I-Bond):** The court simply takes your word (promise) to return to court and does not assign a bail amount.
- **Regular Bond (D-Bond):** The court accepts your promise to return to court, but also assigns a bail amount to back, or guarantee, your promise.
You will need to make a 10% down payment on the bail amount before being released. (For example, if bail is set at \$5,000, then you would need to pay \$500 to be released.) You may pay with cash, property, and in some instances, credit. If paying with property, its value must be 20% of the bail.
- **Cash Bond (C-Bond):** The court accepts your promise to return to court for all future appointments and assigns a bail amount. You will be required to pay the full amount of the bail in CASH ONLY. (For example, if bail is set at \$2,000, then you would need to pay the full \$2,000.)

While at the bond hearing you may see two lawyers: one representing you (known as the defense lawyer) and the other representing the victim(s) of the crime for which you are being accused (the prosecuting lawyer).

The prosecuting lawyer (known as the state's attorney) will inform the judge of the crime you are being accused of committing and will give a brief summary of your criminal history, if any. Your lawyer will briefly inform the judge of your personal history.

You may offer an explanation to the judge about your involvement in the crime, if any; but keep in mind that anything you say can be used by the prosecuting lawyer to further build the case against you.

The judge, after hearing both lawyers, will inform you of the charge(s) against you, decide your bail/bond, and schedule your next court date (the preliminary hearing—see phase 3).

***Note:** If you do not have a lawyer to represent you, ask the judge to assign one to you free of charge. The judge may ask you to show proof of your inability to pay (paystubs, bank statements, etc.) to determine if you qualify for a free lawyer.*

Also know that the judge, when considering whether you qualify for a free lawyer, looks to see if you are willing to pay your bail. If you can pay your bail, it may be assumed that you can afford to hire a private lawyer.

Free lawyers (public defenders) are employed by the government to represent individuals accused of crimes who cannot afford to hire their own private attorney. This lawyer will represent you in court, beginning at the bond hearing (phase 2).

At the Bond Hearing...

You Have The Right to:

- Ask the judge to assign you a free lawyer if you are unable to afford one.
- Question what is happening to you. (Ask your lawyer and/or the judge.)

Helpful Tips:

- Wait to talk with your lawyer before trying to explain your side of the story in court.
- If you don't have a lawyer yet, tell the judge you'd prefer a preliminary hearing, not a grand jury. (This usually factors in your favor. The decision, however, will be up to the judge and the prosecutor.)

At a preliminary hearing (phase 3), both lawyers present to a judge to determine if there is enough evidence to suggest that there is probable cause (reason) to believe that a crime has been committed, and that it was committed by you.

At a grand jury hearing, only the prosecuting lawyer presents to a group of citizens to determine if there is enough evidence to suggest that there is probable cause (reason) to believe that a crime has been committed, and that it was committed by you.

- Be patient.
If you cannot afford to pay the bail amount, you will remain in police custody until the preliminary hearing/grand jury. (Normally there are 30–60 days between hearings.)
- Tell loved ones of your next court date.

Phase 3: Preliminary Hearing or Grand Jury

During this phase, either a judge or a grand jury will determine whether or not a crime occurred and if there is reason to believe that you committed the crime. It is left to the prosecutor to ultimately decide whether the case will be presented before a judge (at the preliminary hearing) or to a grand jury (at the grand jury proceedings).

Preliminary Hearing

If it's a preliminary hearing, both the prosecutor and your defense lawyer will be present.

The prosecutor will present to the judge evidence to show you were the person likely to have committed the crime (probable cause). Witnesses and the arresting police officer may be called to testify against you.

Your defense lawyer will attempt to show that the evidence presented by the prosecutor is not sufficient and fails to prove probable cause. Witnesses and the arresting police officer may be questioned by your lawyer (cross-examined).

If the judge, after hearing the details of the case, finds that there is no probable cause, your case will be dismissed, the charges against you will be dropped, and you will be free to go.

If the judge finds that there is probable cause, your case will be transferred to the chief judge's courtroom where it will be assigned to a felony court.

After your case is assigned, you will move on to the arraignment (phase 4).

Grand Jury

If it's a grand jury hearing, 16 citizens, who have been randomly chosen by the state, will listen to the facts of your case and decide if there is probable cause.

If they find that there is not probable cause, your case will be dismissed, charges dropped, and you will be free to go.

If they believe there is probable cause, the grand jury will issue a formal statement (an indictment) supporting the charges against you. Your case will proceed on for courtroom assignment and then arraignment (phase 4).

Note: *The preliminary hearing or the grand jury proceedings must occur within 30 days (if you are still in police custody) to 60 days (if you are out on bond). There are exceptions to this timeline, such as when you create the delay, or you have been determined to be unable to stand trial.*

Also note that only the prosecutor and witnesses are present at the grand jury proceedings. Neither you, your family, nor your lawyer, are allowed to attend these proceedings.

At the Preliminary Hearing...

You Have The Right to:

- Have an effective, competent advocate or lawyer defending you.

Both the free lawyer and the prosecutor are licensed professionals held to the Illinois Rules of Professional Conduct (IRPC). If these rules are ignored, the judge may replace them.

You too may request a replacement if your lawyer is:

- (1) already serving a client whose case may negatively affect yours (conflict of interest),
- (2) is purposefully not doing a good job, or
- (3) is unable to represent you due to illness.

If you personally dislike your lawyer, that will not be accepted as a reason to get a replacement.

Helpful Tips:

- Ask your lawyer questions to help you understand what is happening or what will happen to you.
- Ask your lawyer to provide copies of all documents related to your case (such as transcripts from grand jury proceedings). If not available, ask to see the originals.
- Tell loved ones of the next court date. Ask them to offer to help your lawyer (such as providing information or assisting with research).
- Be patient. Your next court date may be anywhere between 7–21 days.

Phase 4: Arraignment

It is during this phase that you are formally charged with a crime. The judge will explain the charges against you, and the minimum and maximum penalty related to those charges. He/she will ask you to plead either guilty or not guilty to those charges.

Your defense lawyer will almost always encourage you to plead not guilty as it will allow him/her more time to investigate the facts of your case and access the prosecutor's evidence and supporting material (such as, documents, witness lists, photos, or reports).

The judge will set a pre-trial (phase 5) date for your case and order both the prosecutor and your defense lawyer to share with one another the information they have on your case (discovery).

***Note:** Your plea becomes public record. So, if you choose to plead guilty, know that it can possibly hurt you in the future (for example, difficulty finding a job, suspension of driver's license, loss of eligibility for public housing, etc.).*

At the Arraignment...

You Have The Right to:

- Have the charges against you read aloud in court and to obtain a copy of the charges.
- Plead guilty or not guilty.

Helpful Tips:

- Ask your lawyer to explain to you the pros and cons of a guilty or not guilty plea.
- Seriously consider how your plea will affect your future. This is an extremely difficult and serious decision you are about to make. Do not make it lightly!!
- Request copies of all paperwork related to your case from your lawyer. If not available, ask if you can see the originals.
- Tell loved ones of your trial date.
- Be patient. It can take up to 4 months or longer from the time you are arrested to the time of your trial.

Phase 5: Pre-Trial Conference

A pre-trial conference is a meeting between your defense lawyer and the prosecutor where they discuss your case, share information, and try to work towards a plea agreement. Your defense lawyer may ask the trial judge to join in on the meeting. (This is called a “402 Conference.”)

Your lawyer will consult with you on the pros and cons of accepting a plea agreement.

(A plea agreement is where you agree to plead guilty or no contest to the crime you are accused of in exchange for a reduction or dismissal of charges, a less harsh sentence, etc. The judge ultimately decides if the sentence recommended by both your lawyer and the prosecutor is reasonable.)

If you choose to accept the plea agreement, you will have to adhere to the conditions of the plea agreement. This also means you will now have a criminal record.

If you choose to reject the plea agreement or if no agreement is offered by the prosecutor, your case will go on to trial (phase 6).

***Note:** About 9 out of 10 cases are settled by plea agreements. These agreements help to avoid having to go to trial which can take lots of time, money, and effort (such as, questioning and scheduling witnesses, collecting records, testing evidence, or gathering and organizing information to present a compelling argument).*

However, this does not mean that a plea agreement is right for you and that you have to accept it. The decision to accept or reject a plea agreement is up to you.

At the Pre-Trial Conference...

You Have The Right to:

- Refuse or accept a plea bargain.

Helpful Tips:

- Ask your lawyer if he/she thinks the prosecutor has enough evidence to prove you are guilty.
- Ask your lawyer to explain to you the pros and cons of accepting or rejecting the plea agreement. (For example: How will it affect your future?)
- Discuss all possible options with your lawyer and loved ones.
- Get a second opinion, if possible. Ask your family to consult a private lawyer. (Resources are contained on page 4.)
- Be patient. It can take up to 4 months to go from arraignment to trial.

Phase 6: Trial

A trial is where it is determined whether you will be found “guilty” or “not guilty” of committing a crime.

You are allowed by law to choose the type of trial you’d like: a jury trial, where a jury reviews your case and decides if you are guilty or not guilty; or a bench trial, where a judge makes that decision.

Jury Trial

At a jury trial, the jury (which is usually 12 randomly chosen people) will consider the evidence, testimonies, and the law. A judge will be present to inform the jury of the law and the importance of rendering a fair, impartial, free of any bias or prejudice, and unanimous (meaning they must all agree) decision. The judge also gives the final order making the decision public record (this is called a judgment).

Bench Trial

At a bench trial, the judge will listen to your case and make a final decision as to your guilt or innocence.

Your defense lawyer will advise you regarding which type of trial is best for you, ask for your decision, and then inform the prosecutor. A trial date will then be set.

At the trial, the prosecutor will present evidence to the judge/jury to suggest you are guilty of committing the crime. The prosecutor may call witnesses to testify against you. Your defense lawyer will question the prosecutor’s witnesses and may have additional witnesses testify in an effort to show that you are not guilty. You may also testify. However, make sure to discuss with your lawyer if this is best.

After both lawyers finish with their presentations, the judge (if a bench trial) or jury (if a jury trial) will decide if you are guilty or not.

If you are found not guilty, you will be free to go. If the jury is unable to agree—a hung jury—your case will be set for trial again.

If you are found guilty, the judge will set the date of your sentencing (phase 8) and will order a pre-sentence investigation report (phase 7). (This is true of both bench and jury trials.)

Note: *The length of the entire trial differs from case to case depending on the amount of evidence presented, how long the jury needs to take to make a decision (if a jury trial), etc.*

At the Trial...

You Have The Right to:

- Choose a jury or a judge to review the facts of your case.
- Testify in your own defense.
- Have your lawyer cross-examine witnesses.
- A speedy, fair, and public trial (60–120 days).

Helpful Tips:

- Carefully weigh the pros and cons of having a bench or jury trial.
A bench trial requires just one person—the judge—to determine if you are guilty or not guilty. For a jury trial, all 12 people need to agree if you are guilty or not guilty.
- Continue to ask your lawyer questions throughout the trial to make sure you understand what’s happening.
- Pay attention to what is being said throughout the trial. If something appears unfair or false, tell your lawyer.

Also, if the judge makes any mistakes in applying court rules (such as, allowing or denying certain types of evidence) or in judging the case, you have up to 30 days following the trial to file an appeal (phase 9).

Phase 7: Pre-Sentence Investigation

If you are found guilty, the judge will order a pre-sentence investigation (PSI) report from the probation department. This report provides detailed information about you, your background, character, and a sentencing recommendation. The judge may use this report to determine your sentence.

A representative from the probation department will meet with you to gather information (criminal history, employment, education, family, etc.). The representative may also speak with your loved ones or others who are able to tell of your character, as well as the victim(s) of the crime.

Once the report is completed, you will verify its accuracy and sign it. The report will then be given to the judge for use at the sentencing (phase 8).

At the Pre-Sentence Investigation...

You Have The Right to:

- An accurate pre-sentence investigation report. (The report must be completed before the sentencing hearing.)

Helpful Tips:

- Tell the truth about yourself. The judge is trying to get an idea of who you are (for example through information about your family, church, community or whether you are seeking help for a drug or alcohol problem, etc.).
- Ask loved ones to write a letter to the judge sharing specific examples of your good character.

Phase 8: Sentencing Hearing

The sentencing hearing is where the judge will determine your sentence and tell you what it is. The judge will take into consideration the pre-sentence investigation report (phase 7), the seriousness of the charges, and the recommendations of both the prosecutor and your defense lawyer.

There are a few different types of sentences you could receive for a felony conviction: prison, probation, a fine, or a combination of any of them.

- **Prison:** The judge will tell you the amount of time you are to stay in prison. This amount may be reduced by the number of days you have already spent in jail.
- **Probation:** The judge will explain to you that you are free to go if you agree to follow certain rules and conditions (such as, participating in programs, classes, or counseling that will help you to make better decisions in the future).

You will be monitored by a probation officer who will report back to the judge. If you fail to comply with the conditions of your probation, or if you commit a new crime, you may be sent to prison.

- **Fine:** You will be told the amount of money you will need to pay for damage done to those affected by the crime.

The judge, upon determining the appropriate sentence, will read your sentence aloud in court. After that, you will leave court and begin to serve your sentence.

***Note:** For misdemeanor offenses, there are generally two sentences which are given—supervision and conditional discharge. Each may, or may not, require that you report to a staff person on a regular basis or that you follow certain rules and conditions mandated by the court.*

At the end of the period of court monitoring, a sentence of “supervision” does not result in a formal determination of a conviction. A sentence of “conditional discharge,” however, does result in a conviction.

If you are charged with a misdemeanor offense, it is very important that you discuss these two options thoroughly with your defense attorney to determine if one better fits your situation and future options.

At the Sentencing Hearing...

Helpful Tips:

- Be prepared. Talk with your lawyer about all the possible sentences you may receive.
- Tell your loved ones about the possible sentences and discuss plans for moving forward.
- Ask your lawyer for information about resources that can help you and your family.

Phase 9: Appeal

The purpose of this phase is to determine if the trial court made mistakes that may have affected your conviction.

To appeal your defense lawyer, on your behalf, will need to show that the trial court judge or jury made mistakes in either:

- Allowing or denying certain types of evidence (for example, illegally obtained evidence).
- Applying court rules.
- Interpreting the law.
- Giving a verdict when lacking sufficient evidence.
- Misconduct.

Your defense lawyer will prepare and file a motion for a new trial alleging the above listed errors/mistakes. If unsuccessful at that motion, your lawyer will then—within 30 days—prepare and file a petition (a “notice of appeal”) to the appellate court to hear your appeal. The notice of appeal petition will be signed by the trial judge and filed with the circuit court clerk.

If your defense lawyer is a public defender, you will be reassigned to an appellate defender (free lawyer who handles appeals) for the remainder of the appeals process.

In appellate court, your appeal will be reviewed by three judges. Only two of them need to agree for a final decision.

Both your appellate defense lawyer and the prosecutor will prepare and submit written briefs explaining their view of the facts and the legal arguments supporting, or opposing, the reversal of the trial court. The court may also request they present additional arguments in court.

After reviewing your case, the appellate court judges will decide either to: (1) reverse the trial court decision; (2) return your case to the trial court for a new trial or to correct the error; or (3) uphold the trial court judge’s decision.

At the Appeal...

You Have The Right to:

- Appeal the decision of either the jury or the judge. (You have up to 30 days following the trial to file an appeal.)

Helpful Tips:

- Ask your trial court defense lawyer to explain the process of switching lawyers and what you should expect from your new lawyer (the appellate defender).
- Keep your family and loved ones informed.

Your Family's Rights

It is natural for your loved ones to feel lost and helpless after your arrest. They may not know how to help. They may wonder what help they are allowed to give as you go through the various phases of the criminal justice system.

In the box below is a convenient list of your family's rights that you can share.

Your Family Has The Right to:

- Be present at all court dates.
- Ask questions of your lawyer to help understand what's happening, or what may happen, to you.
- Know the role and responsibilities of all parties involved (police officers, prosecutor, defense lawyer, judge, jury, etc.).
- Write a letter to the judge describing your character.
Make sure they use specific examples so that the judge will be well informed when having to make the decision regarding your sentence.
- Visit you in jail or in prison on designated visiting days. (At some institutions, your family may visit up to once a week.)
- Write to you and receive letters from you if you are in jail or prison. (Frequent communications can be a great source of encouragement.)
- Send you money to help purchase legal items, such as extra food or hygiene products, that are not otherwise provided by the institution.

Terms You Should Know

Arraignment

The first appearance before the court by a person charged, at which time he/she is advised of pending charges, the right to counsel, and the right to trial by jury.

Bail

The money a defendant pays as a guarantee that he or she will show up in court at a later date.

Bond

A promise to do or perform a specified act, or pay a penalty for failure to perform. In criminal cases, 'bond' and 'bail' have the same meaning.

Defendant

A person who has been formally charged with committing a specific crime.

Discovery

The pre-trial process by which each party ascertains evidence the other party will rely upon at trial.

Felony

A serious criminal offense generally punishable by imprisonment of one year or more.

Grand Jury

A group of citizens convened in a criminal case to consider the prosecutor's evidence and determine whether probable cause exists to prosecute a suspect for a felony.

Indictment

The formal charge issued by a grand jury stating that there is enough evidence that the defendant committed the crime to justify having a trial.

Information

A formal charge by a prosecutor that the defendant committed a crime.

Judge

A presiding officer of the court.

Offense

A violation or breaking of the law.

Miranda Warning

The statement recited to individuals taken into police custody that warns of their right to remain silent and to have an attorney.

Misdemeanor

Less serious criminal offense usually punishable by a sentence of one year or less.

Parole

Release of a prisoner from imprisonment, but not from legal custody (also known as Mandatory Supervised Release).

Preliminary Hearings

The hearing for a person charged with a felony before a circuit judge, wherein the prosecutor must establish that there is probable cause to believe that the accused committed the specific crime charged.

Probable Cause

Reasonable belief that an individual has committed a crime.

Probation

A sentencing alternative to imprisonment in which the court releases convicted defendants under supervision as long as certain conditions are observed.

Prosecutor

The government lawyer who investigates and tries criminal cases (also known as a district attorney, state's attorney, or United States attorney).

Public Defender

Lawyer employed by the government to represent individuals accused of crimes who cannot afford to hire their own attorney privately.

Screening

The reviewing of details of a case by the state's attorney's office to decide on what charges to file against the alleged offender.

Sentence

Punishment given by the court to a defendant who is found guilty.

Trial

The examination before a judicial tribunal of the facts of a case to determine a person's guilt or innocence by due process of law.

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TASC

Treatment Alternatives for Safe Communities

TASC (Treatment Alternatives for Safe Communities) is an independent, statewide nonprofit agency that coordinates access to substance abuse treatment and other community-based services for individuals who are referred or mandated by state corrections, criminal justice, juvenile justice, child welfare, and other referring entities.

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