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## STAGES OF A CRIMINAL CASE IN TENNESSEE

### Stage 1 – ARREST

A police officer must have probable cause to believe that a crime is being, or has been, committed. For misdemeanor crimes, the alleged criminal conduct must have been committed in the presence of the officer (except for Domestic Assault and DUI).

### Stage 2 – INITIAL APPEARANCE

This stage is handled differently throughout the different counties in Tennessee. This stage is designed to advise the defendant of the charges against him/her, that he/she has the right to hire counsel, set a bond and advise the defendant of his/her next court date.

### Stage 3 – SETTLEMENT / PRELIMINARY HEARING

If a settlement cannot be reached in the General Sessions Court after discussions with the district attorney, then the defendant has the right to a preliminary hearing. At this stage, the State must show that probable cause existed and that a crime was committed and the defendant is more likely than not the person who committed the crime. This is a low standard. In General Sessions Court, the Judge can sometimes try misdemeanor cases (State must agree). If a defendant is charged with a felony, these cases usually require a preliminary hearing, as the General Sessions Court does not have the authority to rule on felony cases.

### Stage 4 – GRAND JURY

This stage is one in which the lawyers and defendant have no involvement. A group of 13 citizens are presented with evidence by the district attorney (and police officer) who must again show that a crime was probably committed and the defendant is more likely the person who committed the crime. If a True Bill is returned by the Grand Jury, an indictment is issued against the defendant.

### Stage 5 – INDICTMENT

This stage is where the defendant is presented with the formal charges in the form of an indictment. The court will require the defendant to enter a plea of guilty or not guilty. Usually, a scheduling order will be entered by the court setting deadlines for settlement, plea and trial.

### Stage 6 – JURY TRIAL

If a settlement cannot be reached in Criminal Court, a defendant has the right to have a trial by a jury of his or her peers. Prior to trial, a defendant has the right to file motions and obtain all evidence to be presented against him or her at trial. A defendant is presumed innocent until proven guilty. If proven guilty beyond all reasonable doubt by a jury, a defendant has the right to appeal the conviction to a higher court.