

Introduction To The Criminal Justice System:

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Things You Need To Know:

- Reasonable Suspicion
- Probable Cause
- Initial Appearances
- Arraignments
- Jury Selection
- Trial

**What is Reasonable
Suspicion?**



Reasonable Suspicion

Before a police officer can detain you they must have reason to believe a criminal act has been committed, is being committed, or is about to commit a crime in their presence.

It has to be more than just a hunch

Probable Cause

Probable cause is a requirement found in the Fourth Amendment that must usually be met before police make an arrest, conduct a search, or receive a warrant¹²³⁴.

Probable cause requires that facts and evidence presented in a case are of the type that would lead any reasonable person to believe that the suspect had committed a crime¹⁴

A POLICE OFFICER MUST HAVE...



a
**REASONABLE
SUSPICION**
to stop and
frisk a
person.



a
**PROBABLE
CAUSE** for
warrantless
search or
arrest.



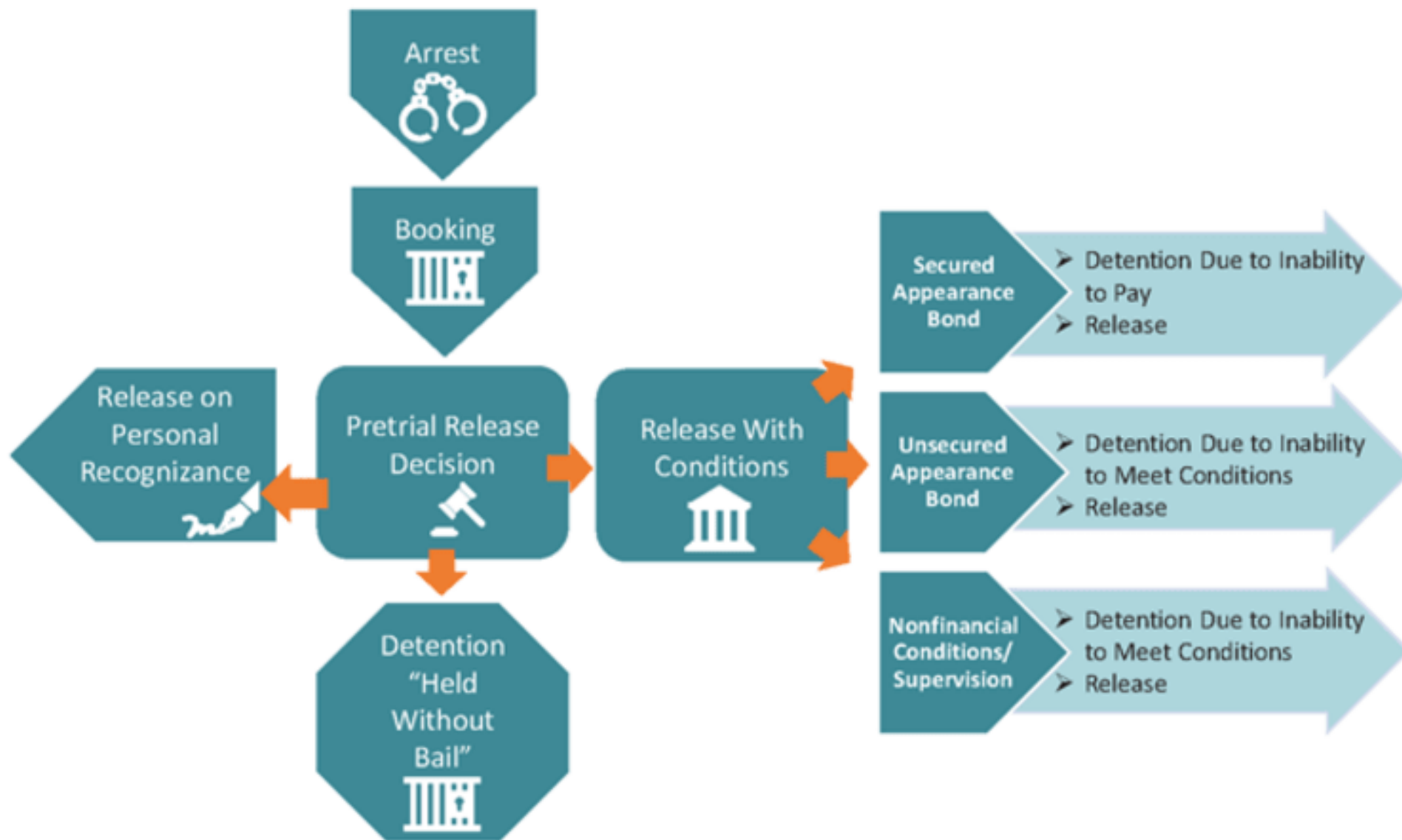
Initial Appearance

Anyone arrested must come before a judge within 24
hours of their arrest

Duties of the Initial Appearance Judge

- Review all Arrest warrants, out of county warrants, violation of probation affidavits, charging affidavits for new arrests.
- The Judge will determine if there was probable cause to arrest the defendant.
- If Probable cause is found and the defendant is entitled to a bond; a monetary bond amount will be issued with conditions
- If Probable cause is not found. The Judge may release the defendant on his own recognizance or if the state request 24 hours to get more information the defendant initial appearance will be re-scheduled.

The Pretrial Release Process



PRE-TRIAL DETENTION STATUTE



Pre-Trial Detention: Dangerous Crimes

Dangerous Crime may NOT be released on nonmonetary pretrial release at first appearance if the Court finds Probable Cause for the dangerous crime. Fl. Stat. 907.041(5)(b)

DANGEROUS CRIMES, PER 907.041(5)

1. Arson;

2. Aggravated assault;

3. Aggravated battery;

4. Illegal use of explosives;

5. Child abuse or aggravated child abuse;

6. Abuse of an elderly or disabled adult, or aggravated abuse of an elderly or disabled adult;

7. Aircraft piracy;

8. Kidnapping;

9. Homicide;

Cont. Dangerous crimes

10. Manslaughter, including DUI manslaughter and BUI manslaughter;
11. Sexual battery;
12. Robbery;
13. Carjacking;
14. Lewd, lascivious, or indecent assault or act upon or in presence of a child under 16 years;
15. Sexual activity with a child between 12 and 18, by person in familial or custodial authority;
16. Burglary of a dwelling;
17. Stalking and aggravated stalking;
18. Act of domestic violence as defined ins. 741.28;
19. Home invasion robbery;
20. Act of terrorism as defined in s. 775.30;
21. Manufacturing any substances in violation of chapter 893;

Cont. Dangerous Crimes

22. Attempting or conspiring to commit any such crime;

23. Human trafficking;

24. Trafficking in certain controlled substances described see 893.135(1)(c)(4) (fentanyl & derivatives);

25. Extortion in violation of s. 83 6.05; and

26. Written threats to kill in violation of s. 836.10



Cont. Pre-Trial Detention

- **IF the Dangerous Crime is Capital, Life, or First degree felony, the Court finds Probable Cause, the State or the Court on its own motion SHALL motion for Pretrial Detention.**
- **At First Appearance, Judge must detain for dangerous crimes if circumstances below apply:**
- **PRE TRIAL DETENTION - 907.041(5)(d) for dangerous crimes:**
- First appearance judge must determine:
 - Substantial probability def committed offense
 - Defendant's past and present pattern of behavior
 - Consideration of criteria in Fl. Stat. 903.046
 - Consideration of other relevant facts
 - No conditions of release will reasonably protect community of risk of physical harm, ensure Defendant's presence at trial, or assure integrity of judicial process.
- **IF SO, FA JUDGE MUST ORDER PRETRIAL DETENTION**
- Full PTD Hearing must be held within 5 days of FA (if no Arraignment within 5 days of FA), or within 5 days from filing of motion by State per 907.041(5)(g).

Marsy's Law

On November 6, 2018, the citizens of Florida approved an amendment to the State Constitution which preserved a specific set of clear, enforceable rights and protections for crime victims.

Cont. Marsy's Law

- You have the right within the judicial process, to be reasonably protected from the accused and any person acting on behalf of the accused.
- You have the right to have your safety and welfare and that of your family considered when bail and conditions of pretrial release are set.
- You have the right to prevent the disclosure of information or records that could be used to locate or harass the victim or the victim's family, or which could disclose confidential or privileged information of the victim.
- You have the right to request reasonable, accurate, and timely notice of all public proceedings involving the criminal conduct, including, but not limited to, trial, plea, sentencing, or adjudication.
- You have the right to request the opportunity to be present at all public proceedings involving the criminal conduct, including, but not limited to, trial, plea, sentencing, or adjudication, even if you will be a witness at the proceeding, notwithstanding any rule to the contrary.
- You have the right to request the opportunity to be heard in any public proceeding involving pretrial or other release from any form of legal constraint, plea, sentencing, adjudication, or parole, and any proceeding during which a right of the victim is implicated.
- You have the right to request to confer with the prosecuting attorney concerning any plea agreements, participation in pretrial diversion programs, release, restitution, sentencing, or any other disposition of the case.

Cont. Marsy's Law

You have the right to request a copy of any presentence report, and any other report or record relevant to the exercise your victims rights, except for confidential or exemptions by law.



You have the right to request to be informed of the conviction, sentence, adjudication, place and time of incarceration, or other disposition of the convicted offender, any scheduled release date of the offender, and the release of or the escape of the offender from custody.



You have the right to the prompt return of your property when no longer needed as evidence in the case.



You have the right to full and timely restitution in every case and from each convicted offender for all losses suffered, both directly and indirectly, by you as a result of the criminal conduct.



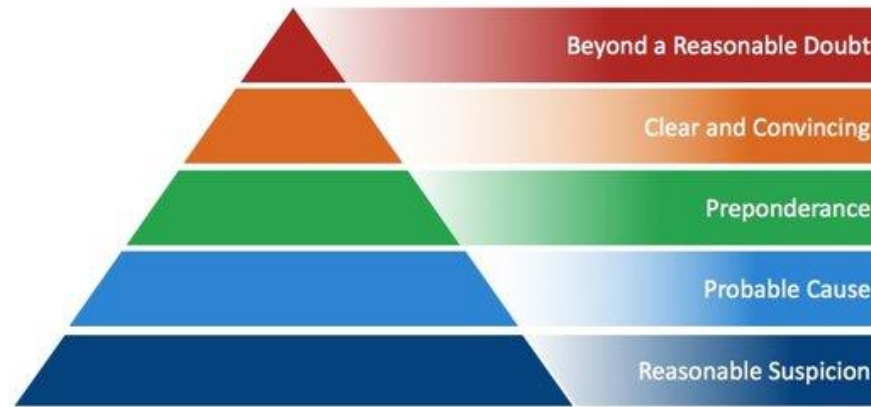
You have the right to proceedings free from unreasonable delay, and to a prompt and final conclusion of the case and any related post-judgment proceedings.

Arraignments

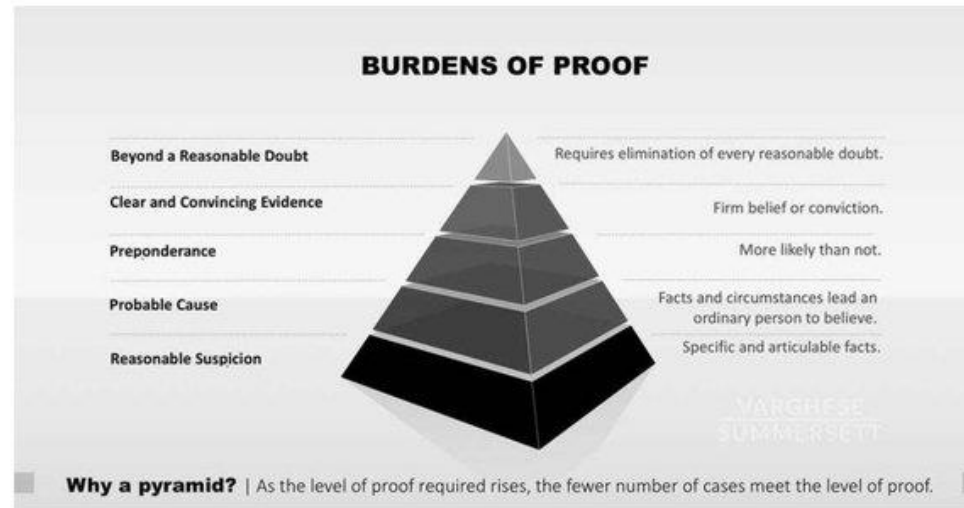
Purpose is to inform the Defendant of the formal charges against him.

-If in custody-Jail Arraignments

-Out of custody- you will receive a notice to appear



Burden of Proof Chart



Jury Selection



Jury Selection

- When a case is called for trial, a group of potential jurors are selected and seated in a courtroom. The process of *voir dire* is then undertaken to choose jurors that are competent to serve on the case. During *voir dire*, the judge and attorneys from both sides question each potential juror to determine whether they are qualified to serve on a jury, whether service would cause undue or extreme hardship, and whether they have prejudices or other attitudes that may sway their verdict in the case.
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Qualifications of Jury Service

To be legally qualified to serve on a jury in the United States, the potential juror must:

Be a U.S. citizen over the age of 18

Speak, read, and understand English well enough to understand all of the court proceedings, testimony, and evidence

Have no [felony](#) convictions (unless his or her [civil rights](#) have been legally restored)

Not be currently subject to any felony criminal charges



Trial

QUESTIONS

