

Step # 4: Pre-trial

The pre-trial date gives the state's attorney and your attorney one last chance to try to negotiate a plea before setting the case for trial. If unsuccessful, your case will most likely be set for trial, or possibly placed back on the docket call (Step #3).

YOU ARE REQUIRED TO APPEAR at the Pre-Trial. This date is usually one week or less after the docket call date. Your attorney will notify you of the date.

Step #5: Negotiated Pleas

Often, the best option in a case is for your attorney to try to negotiate a deal with the state's attorney for the lightest possible sentence in your case. If an agreement can be reached, and you are satisfied with the terms, you will plead guilty in order to take advantage of the deal the state's attorney is offering.



The judge will verify that you understand the charge(s), that you are pleading guilty of your own free will, and will ask the state's attorney to disclose the terms of the negotiations. (NOTE: Negotiated pleas CAN be entered on the docket call date (Step #3), BUT ONLY if you are present AND if both the state's attorney and your attorney are prepared. If you enter a plea on the docket call date, you should not need to appear in court again.)

Step #6: Trial

YOU MUST BE PRESENT IF YOUR CASE IS SET FOR TRIAL. If you fail to appear for trial, a judgment WILL be entered against you in your absence.



At the trial, you, through your attorney, have the right to present your case and to cross examine the state's witnesses. The burden of proof is on the State to prove that you are guilty beyond a reasonable doubt.

Useful websites:

Student Legal Service

<http://www.uiuc.edu/unit/SLS>

See our brochures:

*Your Court Appearance
Misdemeanor Arraignment
Court Costs & Filing Fees*

Champaign County Circuit Clerk

<http://www.cccircuitclerk.com>

**THIS PAMPHLET DOES NOT
CONSTITUTE LEGAL ADVICE.
Students who are confronted
with legal problems or who need
specific advice are encouraged
to seek assistance from a
LICENSED ATTORNEY at
STUDENT LEGAL SERVICE.**

STUDENT LEGAL SERVICE

324 Illini Union/1401 W. Green St.

Phone: 333-9053

Office Hours: 8:30am-Noon; 1-4:30pm, M-F

www.odos.illinois.edu/sls

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Student Affairs at Illinois.



ILLINOIS

UNIVERSITY OF ILLINOIS AT URBANA-CHAMPAIGN

MISDEMEANOR

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MISDEMEANORS

What is a misdemeanor?

The term "Misdemeanor" is a technical definition in Illinois for any crime punishable by less than one year in jail.

Misdemeanors, as a class, are further subdivided into four smaller classes: Class A; Class B; Class C; and Petty. Class A misdemeanors are the most serious and carry a maximum penalty of 364 days in jail and/or a \$2,500.00 fine. Class B misdemeanors are punishable by up to 6 months in jail and/or a \$1,500.00 fine. Class C misdemeanors are punishable by up to 30 days in jail and/or a \$1,500.00 fine. Petty offenses are punishable by fines only, with the maximum fine being \$1,000.00.



Most traffic offenses are considered petty misdemeanors, but some are classified as Class A misdemeanors (for example: Driving Under the Influence [DUI], Driving While License Suspended [DUS], Leaving the Scene of an Accident, etc.).

All misdemeanors except for petty misdemeanors, will end up on your criminal record if you are found guilty.

TYPICAL PROCESS WHEN ARRESTED FOR MISDEMEANOR

Typically, there are 5 steps in the process: (1) the arrest, (2) the first appearance before the court (the "arraignment"), (3) the docket call, and (4) the pretrial or (5) the entry of a negotiated plea.

In all misdemeanor cases, you have the right to go to a sixth step: (6) trial. In cases where a trial is not appropriate, the best course of action is usually to plead guilty under the terms of a "negotiated plea". (see step #5). Your attorney will always make every attempt to notify you of every date you are required to appear in court. If you are unsure of your next court appearance, contact your attorney to find out.

NOTE: If you fail to appear for court at any point where your presence is required, the judge will issue a warrant for your arrest and will order that

you pay bond in order to be released from jail after you are arrested.

Step #1: The Arrest

The arrest is the beginning of the criminal process. If you are arrested for a misdemeanor charge, the officer may do one of two things: s/he may take you to the police station or s/he may release you. If you are released after the arrest, you can expect that you will receive a notice at a later date instructing you to appear in court at a certain time and date to answer the charges which have been filed against you. You have no control over whether you are taken to the police station or if you are released. That is the option of the police officer.



At the time of arrest, you may or may not be required to post bail. Bail is intended to be a monetary payment by you that will help ensure your appearance on your scheduled court appearance dates. If asked to post bail, you will not have to post the entire amount of bail set in your case in order to be released. You will have to post 10%. In other words, if bail is set at \$1,000.00, you will need to post \$100.00 in order to be released. If you fail to appear on a date you were instructed to appear by the court, you can forfeit any money you paid.

Often, you will be released on recognizance or "ROR". This means that you are being released without the payment of bail money on the understanding that if you don't appear at your court appearance, a warrant will issue for your arrest. When you are found, you will have to pay to be released from jail.

Step #2: The First Appearance / The Arraignment

YOU MUST APPEAR at the date and time you are instructed to appear in the notice you are given by the police officer. This is called the first appearance date or the arraignment. At the first appearance, you will be asked to verify that you are the person being charged with the crime by the state's attorney. Then, the judge will read aloud the charge(s) filed against you and tell you the maximum penalties that could be imposed if you were to be found guilty of the charge(s).



You will also be asked if you would like to hire an attorney or to have the court appoint an attorney for you. At this point, you should let the judge know that you are a student and that you would like to use Student Legal Service. The judge will then give you another court date to return with an attorney. YOU MUST APPEAR again on this next court date. When your attorney appears with you, your attorney will set the case for the "docket call".

Step #3: The Docket Call

This is the next court date assigned in your case after the first appearance. The docket call is usually about one month after your first appearance. YOU ARE REQUIRED to appear at the docket call.

The purpose of the docket call is for the attorney to tell the judge what s/he plans to do regarding your case. The options for your attorney at the docket call are: (1) to enter a negotiated plea of guilty (see Step #5); (2) to set your case for another court date for the entry of a negotiated plea of guilty; (3) to set your case for a pre-trial (see Step #4); or (4) to get your case dismissed with the agreement of the state's attorney.

Often, your attorney will need to ask for a continuance to the next month's docket call because s/he has not been able to speak with the state's attorney regarding your case. If this happens, Step #3 is simply repeated at the next docket call.

(continued on back)

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