

Procedure for Criminal Cases in Court

The following information applies to Kansas only!

Misdemeanors

- A. First Appearance - offender will have either been arrested or summoned
 - Defendant is read the charges
 - Defendant enters plea of guilty/ not guilty/ no contest
 - If defendant pleads guilty, court will conduct sentencing
 - If defendant pleads no contest, court will likely find the defendant guilty because defendant is admitting evidence exists that supports finding them guilty
 - If defendant pleads not guilty:
 - 1. Court will set trial date
 - 2. Court will set bond if defendant hasn't already made bond
- B. Trial
- C. Sentencing - usually on same date as trial

Felonies

- A. First Appearance - offender may have been arrested
 - Defendant is read the charges
 - Court appoints attorney or inquires if defendant will hire their own
 - Sets 2 dates: Status Conference and Preliminary Hearing
 - Bond – court addresses bond
- B. Status Conference – attorneys for the defendant and state will discuss the path the case will likely take, discussing possible pleas, strength of evidence, etc.
- C. Preliminary Hearing – sort of a “mini-trial”. State puts on its case, using some, most, or all witnesses, depending on the strength of the case. To proceed past this stage, the court must find that probable cause exists that the defendant committed a lesser charged crime. If that is the case, the defendant will be “bound over” on that lesser crime.
- D. Arraignment – If the defendant is “bound over” on charges at the Preliminary Hearing, the court will move directly to Arraignment. The defendant will be read the charges and will enter a plea of guilty, not guilty, or no contest.
- E. Trial – Bench or jury
- F. Sentencing – Court will need to determine criminal history, so a Pre-Sentence Investigation (PSI) is usually ordered. Victims must also be notified of this hearing, and have a right to make a statement. The court will utilize Kansas Sentencing Guidelines to determine the appropriate sentence.