

Criminal Court Felonies

The U.S. has the highest rate of felony conviction and imprisonment of any industrialized nation.

A felony crime is more serious than a misdemeanor, but the same offense can be considered either a misdemeanor or a felony depending on its seriousness and circumstances in which the crime occurred. Felony sex crimes include child molestation, child physical abuse, domestic abuse, rape, solicitation of minors, internet solicitation of minors, kidnapping and murder.

If convicted of a felony, you will lose many of your civil rights, including your right to vote. Being employed will be extremely difficult because most insurance companies refuse to bond convicted felons and businesses cannot risk the liability involved in hiring a felon without insurance coverage.

Decades of Successful Sex Crimes Defense

Contact the Innocence Legal Team Now

Defending a person charged with a felony crime requires specialized experience to protect that person from the overwhelming power of the prosecution and the very real possibility of losing his freedom and future. The Innocence Legal Team has the best and the brightest experts, specialists and lawyers with nearly four decades experience in defending sex crime cases.

Why You Need Help Now

Bail / O.R. (Own Recognizance)

Choosing a legal team before you are charged with a felony can keep you from being arrested in your home or place of employment and taken to jail. Your lead attorney can arrange for your voluntary surrender, booking and bail so you do not spend any time in jail.

If you do not have the financial resources for bail when you are arrested, your lawyer can go to court and make a motion to have bail reduced or for you to be released on your written promise to appear at the arraignment, referred to as an O.R. release.

Arraignment

At the court arraignment, you are again advised of your constitutional rights and the charges against you. These charges can vary from the original charges, and at this time you enter a plea.

In most jurisdictions, your arraignment will be your first appearance in court whether or not you are in custody. At arraignment, your legal team will receive the police reports on your case and any additional evidence against you. Your team's lead attorney will also receive a formal complaint that states the charges that have been filed against you.

It is important to understand that the charges you face at arraignment may differ from those for which you were arrested. While the police can arrest you for certain alleged crimes, the prosecutor's office has the discretion to file new, different or enhanced charges if they feel their facts warrant doing so.

In most jurisdictions, your next court appearance will be the pretrial conference in which important motions are argued that can affect your case.

Why You Need The Best Defense Investigations

The defense investigation is one of most crucial elements in building a comprehensive case before you go to trial. The ILT has had four decades to develop a network of experienced investigators who can determine what favorable defense evidence exists to prove your innocence. You cannot rely on the police or the prosecution's investigators to interview all witnesses or search for evidence favorable to your defense.

Motions

Your case can be won or lost before it ever goes to trial depending on how well your legal team can control inflammatory and prejudicial information from being used against you. This is done through the use of legal motions.

Legal motions can be presented to

- exclude highly prejudicial evidence,
- to include the theory for your defense,
- to suppress illegally seized evidence,
- to suppress illegally taken statements,
- to dismiss the case because the statute of limitations has expired, for discovery of evidence held by the prosecution, or
- to dismiss the case because the police have lost or destroyed evidence.

There are literally hundreds of possible motions that can be made in order to protect your rights and your family at this stage of the trial process.

Pretrial Hearing

The skill, experience and reputation of your legal team are crucial in attaining the most advantageous position for your defense at this stage. At the pretrial hearing, your team negotiates with the District Attorney to dismiss or reduce the charges based upon the ILT's investigation and evidence found in your favor.

At this stage the prosecution may initiate plea or sentence bargaining instead of going to trial. Your chance of a more advantageous offer is greater because of the ILT's reputation and experience. Remember only you can accept or decline an

offer. Your legal team can give you a realistic assessment of the offer and will not encourage you to accept an inappropriate plea bargain.

If you decide to accept a plea bargain for a felony, your case is transferred to a Superior Court for sentencing. If you accept a plea bargain that has reduced the felony charges to misdemeanors, the judge who hears the plea will handle the sentencing.

Once a plea is entered to the court, it may be withdrawn in only very rare situations.

Heading to Trial Readiness Conference

At the Readiness Conference, the ILT will advise the judge if your case is ready to go to trial or whether your case needs a continuance for further preparation. Typically evidence and witness lists are exchanged. Motions are made to further protect you, and outstanding procedural issues are resolved.

Preliminary Hearing

The purpose of the Preliminary Hearing is to determine whether or not there is probable cause to believe that a crime has been committed and if so, whether or not you committed that crime. This is the first opportunity for the Innocence Legal Team to refute the State's evidence against you before going to trial. However, the standard of proof presented is very low at a preliminary hearing and it is unusual to win a case at this stage.

The prosecution needs only to present enough evidence to show that there is reasonable suspicion that a crime has been committed and that you committed it. If the judge finds in favor of the prosecution, you are bound over to Superior Court for trial. If not, the case is dismissed.

If your case goes to trial, this preview of the prosecution's case will be invaluable for your legal team to mount a comprehensive defense on your behalf.

Laying the Groundwork for Your Case Additional Motions

Your legal team will construct your case so that if evidence favorable to your defense is suppressed or the Superior Court Judge makes errors during the trial, your case can be appealed should you be convicted. This process begins with the motions filed to exclude or include certain kinds of evidence at trial. Nearly four decades of trial experience gives the ILT the ability to prepare such important groundwork.

Expert Witnesses

The complex issues involved in defending against false allegations of sex crimes require the most reputable expert witnesses who are able to educate a jury. These witnesses can include psychiatrists, psychologists, physicians, as well as

experts in fingerprinting, ballistics, accident reconstruction, or forensics. The ILT's extensive network of professionals and specialists ensure that you will have the best witnesses available for your defense.

Final Readiness Conference

At the readiness conference three things can happen:

- you and your legal team may enter into plea or sentencing bargaining;
- your legal team announces that your case is ready for trial;
- a continuance is granted for further preparation.

Do Not Wait for a Trial to Select the Best and Brightest Contact the Innocence Defense Team Now

Jury Trial

The prosecution will give an opening statement as an introduction to the case against you. The Innocence Legal Team may also give an opening statement then, or may choose to wait until your case can be presented. After the opening statement, the prosecution will present its physical and scientific evidence and the testimony of expert and lay witnesses. Your attorney will have an opportunity to cross examine each witness.

Once the prosecution finishes, your legal team will present your defense and call your witnesses to the stand, including expert witnesses or those present during the alleged sexual acts. After your attorney finishes, the prosecution has an opportunity to refute or rebut your defense. Once all the evidence is submitted, the prosecutor and your attorney will give a closing argument to the jury.

The job of your legal team is build a case based on facts in order to create reasonable doubt in the jury's minds that you committed a crime. The prosecution's goal is to prove your guilt beyond a reasonable doubt. Twelve out of twelve jurors must vote "guilty" in order to convict you. For an acquittal, they also must vote unanimously that you are "not guilty". A split vote is called a hung jury and the case must be retried unless further negotiations ensue.

Sentencing Hearing

If you are found guilty or you agree to plea bargain, you will have a sentencing hearing. The ILT's legal teams are the best trial lawyers in California and the brightest advocates who can persuade a judge to give you the most favorable sentence possible. That hearing is critical and may mean serving probation instead of a jail or prison term. Your defense can present witnesses, evidence, and even a "defense probation report" to help protect you. Remember, even if a case is lost, the terms of your sentence can save you and your family from undue trauma and incarceration.

Probation Violations

Once you have served your sentence, you will then be on probation and instructed what you can and cannot do. If you violate a condition of your probation, the judge can re-sentence you up to the full term in prison. You have no right to a jury

trial in a probation violation hearing. The judge must decide if there is enough evidence to prove you violated a condition of probation, and if he does, a new sentencing hearing is held.

Appealing a guilty verdict

During your trial, Innocence Legal Team will lay a foundation for an appeal should the judge make questionable rulings that may affect defense. ILT's specialist in appellate law will give you a fair assessment of your case and help write an appeal in your defense.