

# Criminal Law Process





# Criminal Law?

- Both criminal and civil cases involve a dispute over the rights and responsibilities of the people involved.
- In civil matters, the issue is usually money.
- In a criminal case, however, the defendant might be ordered to pay a fine or sentenced to probation, jail or prison, or even death.
- It is the possibility of losing life or liberty that distinguishes criminal from civil penalties.



# Criminal Justice Process

- **Police investigation and arrest**
- **Investigation**
- **Formal charging**
- **Pretrial preparation**
- **Trial**
- **Sentencing**
- **Appellate review**



# POLICE INVESTIGATION

## LOS ANGELES POLICE DEPARTMENT FOLLOW-UP INVESTIGATION

 MULTIPLE

DATE THIS REPORT <b>5/4/11</b>	DATE ORIGINAL RPT. <b>5/3/11</b>	SPECIFIC TYPE ORIGINAL RPT. (ADW, TPV, EVID, ARREST/BURG, ETC.) <b>ARREST/ADW GUN</b>	R.O. <b>2069</b>	DR <b>1120-</b>
VICTIM/BOOKED TO/ARRESTEE (As on original report)		IF RECLASSIFYING TO HOMICIDE SEX/DESCENT/AGE	BKG NO. (Suppl. to Arrest)	WORK FOLDER PERIOD ORIG RPT / INCL NO <b>1105:20690-02</b>

CASE STATUS <input type="checkbox"/> CLEARED BY ARREST		<input type="checkbox"/> CLEARED OTHER		<input type="checkbox"/> REPORT UNFOUNDED		<input checked="" type="checkbox"/> INVESTIGATION CONTINUED	
Use this section only to add or correct info - do not repeat info from previous reports. Exception - Complete entire suspect info if making final disposition.							
DATE OCCURRED	CHANGE TO - ON OR BETWEEN MO DAY YEAR TIME	&	CHANGE TO - ON OR BETWEEN MO DAY YEAR TIME	TYPE ORIG RPT - CHANGE TO	RD- CHG TO	DR CHANGE TO	INV. DIV. CHANGE TO

PROPERTY VALUE	ADDITIONAL LOSS	PARTIAL RECOVERY	TOTAL RECOVERY	DELETE FROM ORIG RPT.	DESCRIPTION CHANGE	ITEM NOS. RECOVERED/DELETED (ON MULTI RPTS. USE NARRATIVE)
S-1	SEX: M, HAIR: H, EYES: BLD, BRO	HEIGHT: 600, WEIGHT: 180	DOB: [REDACTED], AGE: 22	NAME & ADDRESS (or name & charge, if arrested) ACTION TAKEN <b>SUBMITTED TO THE D/A</b>		LA OR BKG NO. [REDACTED]
S-2	SEX: F, HAIR: H, EYES: BRO, BRO	HEIGHT: 501, WEIGHT: 139	DOB: [REDACTED], AGE: 21	NAME & ADDRESS (or name & charge, if arrested) ACTION TAKEN <b>SUBMITTED TO THE D/A</b>		LA OR BKG NO. [REDACTED]
S-3	SEX: [REDACTED], HAIR: [REDACTED], EYES: [REDACTED]	HEIGHT: [REDACTED], WEIGHT: [REDACTED]	DOB: [REDACTED], AGE: [REDACTED]	NAME & ADDRESS (or name & charge, if arrested) ACTION TAKEN		LA OR BKG NO. [REDACTED]

NARRATIVE (USE BELOW COLUMNS FOR MULTIPLE REPORTS ONLY)							
PRT/D	MULTIPLE RPT. DR NOS.	TYPE OF CRIME	RD	VICTIM'S NAME	DATE ORIG RPT.	VALUE	

**Crime Summary**  
On 05/03/11 at approximately 1155 hrs victim- [REDACTED] was at [REDACTED] S Arapahoe attempting to visit his child. While at the location he was approached by two unknown males. Suspect-1 then asked the victim if he was a "peanut butter". The term peanut butter refers to a member of the Playboy gang. Victim [REDACTED] advised he does not bang. Suspect-2 then attempted to strike the victim. The victim blocked the punch. Suspect-1 then pointed a handgun at the victim and shot him one time on the left leg. The victim and the suspects then fled the location.

**Investigation**  
The responding Officers advised that the mother of the female with whom the victim has a child in common, provided identifying information regarding the suspects. The mother (witness-1) advised that her daughter (suspect-3) [REDACTED] was involved in an argument with the victim regarding child visitation. Suspect-3's current boyfriend (who the witness identified as [REDACTED]) then arrived with a second male (known by the name of [REDACTED]). Witness-1, [REDACTED] saw suspect-1, [REDACTED] shoot the victim.  
The Officers provided me with the suspects identifying information.

While at the scene we canvassed the area for cameras which may have captured the event. I located a camera on the west facing wall of the business located directly across from the crime. Det [REDACTED] assisted with Korean translation and also viewed the video which was captured by the camera.

The video captured two males approaching the crime location at 11:53 and 12:02 hrs. The video also captured a male wearing red shirt (victim) running away from the crime scene. At 12:03 hrs a female is seen walking then running away from the scene, while holding a child. Also at 12:03 hrs a male is seen walking south from the crime scene. He appears to pick up an unknown object from the ground then continues south on Arapahoe.

Detective [REDACTED] also advised that the video quality is poor and that faces are not recognizable in the video.

WAS PROPERTY BOOKED IN CONJUNCTION WITH THIS REPORT OR INCIDENT?		<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES	IF YES, HAS 10.6 BEEN COMPLETED?		<input type="checkbox"/> NO <input type="checkbox"/> YES
SUPERVISOR APPROVING	SERIAL NO	REPORTING OFFICER(S)	SERIAL NO	DIVISION <b>OLYMPIC</b>	
DATE & TIME REPRODUCED	DIVISION	CLERK	REPORTING OFFICER(S)	SERIAL NO	DIVISION <b>OLYMPIC</b>

**ARREST**

***RELEASED OR***

***DETAINED***

# Categories of Crime

- **Infraction**: Crimes punishable by a fine. Imprisonment is prohibited. This includes the violation of traffic regulations.
- **Misdemeanor**: Crimes punishable by less than a year in county jail.
- **Felony**: A crime punishable by death or by imprisonment for more than one year is a felony.
- **Capital offenses**: Crimes subject to the death penalty or life in prison in states that do not have the death penalty

*The severity of the punishment imposed is based on the seriousness of the particular offense.*



# CHARGING DOCUMENT



Strike 3056  
Hob

Rep

Gun  
Alley  
x 2

29

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff,
v.
01 [REDACTED] (04/18/1976), aka [REDACTED] Defendant(s).

CASE NO. BA417685

FELONY COMPLAINT

The undersigned is informed and believes that:

COUNT 1

On or about October 23, 2013, in the County of Los Angeles, the crime of ATTEMPTED MURDER, in violation of PENAL CODE SECTION 664/187(a), a Felony, was committed by [REDACTED] who did unlawfully, and with malice aforethought attempted to murder [REDACTED] a human being.

"NOTICE: The above offense is a serious felony within the meaning of Penal Code Section 1192.7(c) and a violent felony within the meaning of Penal Code Section 667.5(c)."

\*\*\*\*\*

COUNT 2

On or about October 23, 2013, in the County of Los Angeles, the crime of ATTEMPTED MURDER, in violation of PENAL CODE SECTION 664/187(a), a Felony, was committed by [REDACTED] who did unlawfully, and with malice aforethought attempted to murder [REDACTED] a human being.

"NOTICE: The above offense is a serious felony within the meaning of Penal Code Section 1192.7(c) and a violent felony within the meaning of Penal Code Section 667.5(c)."



FELONY COMPLAINT -- ORDER HOLDING TO ANSWER -- P.C. SECTION 872

It appearing to me from the evidence presented that the following offense(s) has/have been committed and that there is sufficient cause to believe that the following defendant(s) guilty thereof, to wit:

(Strike out or add as applicable)

<u>DARYL HENDERSON</u>				
<u>Count No.</u>	<u>Charge</u>	<u>Charge Range</u>	<u>Special Allegation</u>	<u>Alleg. Effect</u>
1	PC 664/187(a)	Check Code State Prison	PC 12022.53(c)	+20 Yrs., MSP*
2	PC 664/187(a)	Check Code State Prison	PC 1170(h)(3) PC 12022.53(c)	MSP State Prison +20 Yrs., MSP*
3	PC 245(a)(2)	2-3-4 State Prison	PC 1170(h)(3) PC 12022.5(a)	MSP State Prison +3-4-10 State Prison
4	PC 245(a)(2)	2-3-4 State Prison	PC 1170(h)(3) PC 12022.5(a)	MSP State Prison +3-4-10 State Prison
5	PC 422(a)	16-2-3 State Prison	PC 1170(h)(3) PC 12022.5(a)	MSP State Prison +3-4-10 State Prison
6	PC 422(a)	16-2-3 State Prison	PC 1170(h)(3) PC 12022.5(a)	MSP State Prison +3-4-10 State Prison
			PC 1170(h)(3) PC 1170(h) PC 1170.12 PC 667.5(b)	MSP State Prison SP/MSP x 2 + 1 yr. per prior

I order that the defendant(s) be held to answer therefore and be admitted to bail in the sum of:



\_\_\_\_\_ Dollars



# ARRAIGNMENT



**AFTER**  
**ARRAIGNMENT**  
***RELEASED OR***  
***DETAINED***

# PRETRIAL



- Pretrial Hearings

- Motions

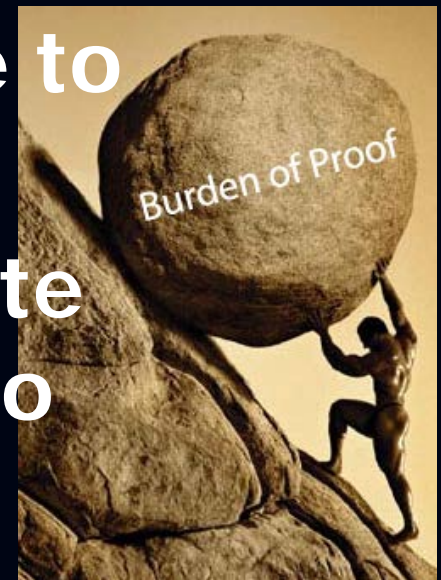
- Settlement or Trial

# TRIAL



# What is the standard of proof in criminal cases

- The government has to prove the defendant guilty “beyond a reasonable doubt.”
- The defendant does not have to prove anything
- The defendant has an absolute and constitutional right not to incriminate himself



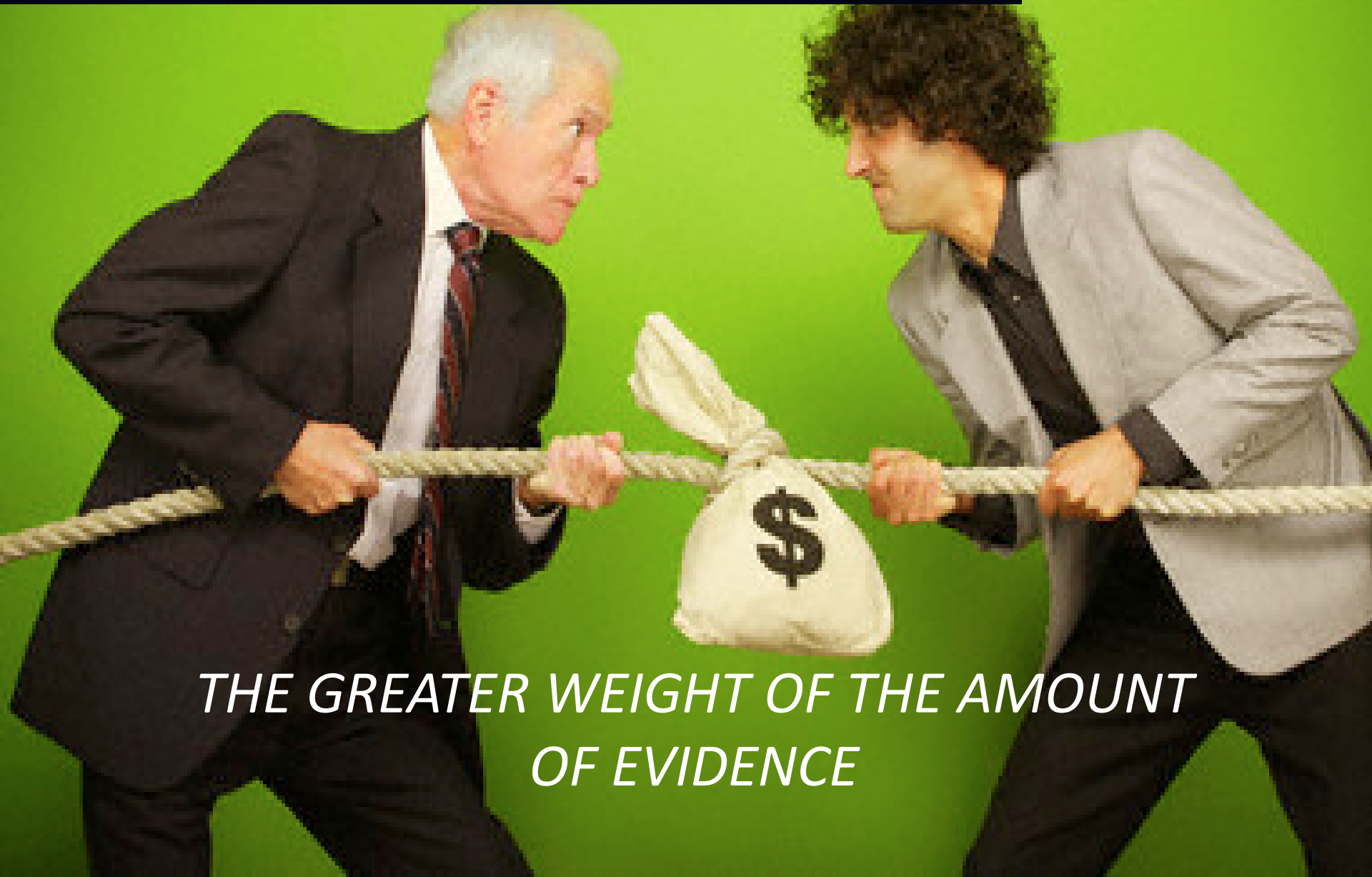


# REASONABLE SUSPICION



*AMOUNT OF SUSPICION IS MINIMAL*

# PREPONDERANCE OF EVIDENCE



*THE GREATER WEIGHT OF THE AMOUNT  
OF EVIDENCE*





*A FIRM BELIEF THAT THE CHARGES ARE TRUE*

**CLEAR AND CONVINCING**

# REASONABLE DOUBT

**POSSIBLY** \* NOT GUILTY \*

**PROBABLY** \* NOT GUILTY \*

**STRONG SUSPICION** \* NOT GUILTY \*

**PREPONDERANCE** \* NOT GUILTY \*

**CLEAR & CONVINCING** \* NOT GUILTY \*

**BEYOND A REASONABLE DOUBT** GUILTY





Appeal





**Any questions???**