

## **FEDERAL DEFENDER**

### **WHAT YOU NEED TO KNOW ABOUT HAVING A FEDERAL CASE**

**WHAT IS A FEDERAL CASE?** You are charged with a federal crime. That means either (1) a crime that violates a law passed by Congress for the whole country, or (2) a crime that happened on property owned by the United States government, like a military base. Federal court is very different from state court. Here are some of the main differences:

**BAIL.** As a federal prisoner, you will NOT have bail automatically set. There may be a detention hearing, at which the judge will decide whether you are entitled to bail. If you are detained, you will get credit for time served if you are later convicted, unless you are serving another sentence when you are detained on your federal charge. Please read the Handout called Detention Hearing to learn more.

**TIME.** Federal cases take a lot longer than state cases, especially if a case is complicated or has many defendants. Expect your case to take a long time. Taking more time often helps your case. People in jail may talk about the Speedy Trial Act. Most of what you hear will be wrong. You cannot "waive time" in your federal case, but your lawyer can ask for extra time for preparation, investigation, motions, etc. Discuss this with your lawyer.

**PLEA BARGAINS.** In federal court, judges are not involved in plea negotiations. A plea bargain is a deal just between you and the prosecutor: you agree to plead guilty, and the prosecutor agrees to drop charges or recommend something you want at sentencing. If there is a deal, the judge will not approve it ahead of time, and may not even know about it in advance. In most cases, the judge does not have to follow the deal. If the judge does not follow the deal, you are usually NOT allowed to withdraw your plea. To learn more, please read the Handout called Plea Negotiations and Change of Plea.

**SENTENCING.** Federal sentences are very different from state sentences, even for the same conduct. Congress decides maximum and sometimes minimum sentences for federal crimes. These are completely different from state court penalties. Although federal judges can give the sentence they think is fair, they have to consider a book of complicated rules called the Federal Sentencing Guidelines. Your lawyer will explain how the Guidelines apply to your case.

How you serve a sentence is also different in federal custody. There is no parole. If you are sentenced to federal prison, you will serve at least 85% of your sentence. There is no good time credit for sentences of one year or less.

**STAGES OF A FEDERAL CASE:** These are the stages that a federal criminal case may go through. Your lawyer can give you an informational Handout on each of the following topics:

1. Initial appearance and arraignment
2. Detention hearing
3. Discovery and investigation
4. Motions
5. Plea negotiations and change of plea
6. Trial
7. Sentencing
8. Violations of probation or supervised release
9. Appeals and other post-conviction relief