

The Criminal Process in Monterey County: A One-Page Timeline

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A quick-reference companion to the full guide on the criminal process and your rights.

CRIMINAL DEFENSE
QUICK REFERENCE

Stage	What Happens	Key Deadline / Authority
1. Arrest or Charging	Officer makes a warrantless arrest, or a warrant is issued. The DA independently decides whether to file a complaint.	Complaint is the charging instrument, not the arrest itself.
2. Arraignment	Defendant is informed of charges and enters a plea: not guilty, guilty, or no contest.	No contest protects against civil use only in misdemeanors (Pen. Code § 1016(3)).
3. Bail or Own Recognizance	Court decides custody status.	Cannot set unaffordable bail without a necessity finding (<i>In re Humphrey</i> , 2021).
4. Pretrial Conference	Discovery is requested and reviewed. Often continued multiple times.	Discovery governed by Pen. Code § 1054.1.
5. Preliminary Examination (felony only)	Magistrate decides if there is probable cause. No jury, not a trial.	Must occur within 10 court days of arraignment (Pen. Code § 859b), unless waived.
6. Information Filed	DA files the Information; defendant is arraigned again in superior court.	Pen. Code § 739.
7. Plea Bargaining	Can occur anytime before trial, usually during pretrial phase.	-
8. Setting for Trial	If no plea, case is set for jury trial or court trial.	Court trial requires jury waiver (Cal. Const. art. I, § 16).
9. Trial	Evidence presented; jury (unanimous) or judge decides guilt.	-
10. Post-Verdict Motions	Motion for New Trial, sentence modification, etc.	-
11. Sentencing / Probation	If convicted, sentence is imposed; may include probation or supervision.	-
12. Appeal / Post-Conviction Relief	Appeal of conviction; record sealing or expungement-type relief may follow later.	Diversion (Pen. Code §§ 1001.36, 1001.80, 1001.95) may apply earlier and avoid conviction entirely.

Rights to Watch at Each Stage

- **Fourth Amendment** - stop, search, arrest (suppression motion, Pen. Code § 1538.5)
- **Fifth Amendment** - custodial interrogation (Miranda)
- **Sixth Amendment** - counsel, confrontation, speedy trial (Pen. Code § 1382)
- **Fourteenth Amendment** - discovery and disclosure (Brady, Pen. Code § 1054.1)
- **Racial Justice Act** - Pen. Code § 745

Time-Sensitive Reminder

Body camera, dashboard camera, surveillance, and 911 audio recordings may be deleted in as little as **30 to 90 days**. A preservation letter sent early can save evidence that would otherwise be gone before the first pretrial conference.

Facing a case now? Do not wait.

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