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Criminal procedure

- ▶ A simplified overview of criminal procedure in the US:
- ▶ **Investigation** — When law enforcement officers have reason to believe that a crime has been committed, they conduct an investigation to gather evidence and information. This may involve interviewing witnesses, collecting physical evidence, and analyzing forensic data.
- ▶ **Arrest** — If the investigation leads to the identification of a suspect and there is probable cause to believe they committed the crime, law enforcement officers can make an arrest. The individual is then taken into custody and informed of their Miranda rights.

- ▶ **Charging** — After the arrest, the prosecuting authority, typically the district attorney's office, reviews the evidence and decides whether to formally charge the accused with a crime. This decision is based on the sufficiency of the evidence and the applicable laws.
- ▶ **Arraignment** — The accused is brought before a judge for an arraignment, where they are formally informed of the charges against them and asked to enter a plea of guilty, not guilty, or no contest. If the accused pleads not guilty, the case proceeds to trial.

- ▶ **Discovery**— Both the prosecution and the defense have the right to obtain and exchange information and evidence related to the case. This process, known as discovery, ensures that each side is aware of the evidence that will be presented at trial.
- ▶ **Pre-trial motions** — The defense and prosecution can file various motions to address legal issues or seek certain rulings from the court before the trial begins. These motions may include motions to suppress evidence, dismiss the case, or change the venue.

- ▶ **Trial** — The prosecution presents its case against the accused, and the defense has the opportunity to present its case. The trial is overseen by a judge and can be conducted before a jury or solely by the judge in a bench trial. The burden of proof rests with the prosecution, which must prove the accused's guilt beyond a reasonable doubt.
- ▶ **Sentencing** — A sentencing hearing is conducted to determine the appropriate punishment if the accused is found guilty or pleads guilty. The judge considers various factors, such as the nature of the crime, the defendant's criminal history, and any mitigating or aggravating circumstances.
- ▶ **Appeals** — After a conviction, the accused has the right to appeal the decision to a higher court. The appellate court reviews the trial proceedings to determine if errors were made that may have affected the case's outcome.