

How criminal proceedings work

In plain terms: from reporting a crime to enforcing the sentence

● police, prosecutor ● court ◆ decision → continues ■ ends || pauses ↗ elsewhere ↻ goes back (can repeat)

PRE-TRIAL STAGE · POLICE AND PROSECUTOR

1 Report of a crime § 196
Made to the police or to the prosecutor's office.

G1 Police or prosecutor decides
→ prosecution starts ■ matter rejected ■ case set aside
↗ handed to another authority, e.g. as an administrative offence

2 Criminal prosecution starts § 199
If the facts justify starting a criminal prosecution.

3 Investigation and charge § 200 – 206
Police gather evidence under the prosecutor's supervision. When there are sufficient grounds to conclude that a specific person committed the act, they are charged. The pre-trial judge decides on custody.

G2 Prosecutor decides
→ indictment ■ discontinuance ■ settlement approved
→ agreement on guilt and punishment (court-approved)
|| suspension ↻ back to the police ↗ referral

COURT STAGE · COURT

G3 Court reviews the indictment
→ main trial ordered → penal order (single judge)
■ discontinuance ↻ indictment rejected

4 Main trial § 246 ff.
The court hears the evidence. The accused is now the defendant.

G4 Court decides
→ conviction → acquittal ■ discontinuance ↗ referral

G5 If someone appeals, the appeal court
→ appeal dismissed ↻ sent back for a new hearing
→ judgment quashed, appeal court decides itself

5 Final judgment and enforcement § 183, § 406 ff.
Final when no appeal is filed in time, or the appeal court dismisses it or decides itself. The sentence is enforced unless conditionally suspended.

The person's status

Suspect

Accused person – after the charge

Defendant – only if a main trial is ordered

Convicted or acquitted – after a final judgment

The case can also end earlier: with a penal order, an agreement or a discontinuance.

A person is presumed innocent until found guilty by a final judgment.

Key deadlines

Appeal against a judgment: within 15 days of notification (§ 309)

Complaint against a resolution (where allowed): as a rule within 3 working days of notification (§ 185, § 187(1))

Objection to a penal order: within 8 days of delivery (§ 355)

Compensation: to have the criminal court decide it, the victim must claim it by the end of the (summary) investigation (§ 46(3))

Several proceedings at once

Joinder: offences of one person, or related offences of several people, can be dealt with together.

Separation: one accused's case can be split off, e.g. for an agreement.

Suspension: e.g. when the accused is absent or seriously ill.

Not prosecuted twice: no new prosecution for an act finally decided (judgment, discontinuance, settlement) unless that decision was quashed; under EU-law conditions, also across EU states.

One sentence: for several offences the court imposes an aggregate sentence; for an offence committed before an earlier first-instance conviction, a cumulative sentence.