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Defendants (criminal proceedings)

Italy

These factsheets explain what happens when a person is suspected of or accused of a crime.

#### Summary of the criminal process

The following is a summary of the stages in the normal criminal process against adults.

Details about all of these stages in the process and about your rights can be found in the factsheets. This information is not a substitute for legal advice and is only intended to be for guidance.

The process starts when the police or the Public Prosecutor comes to know about a fact that might be considered an offence or a crime.

Once the investigation has ended, the Public Prosecutor starts prosecution in order to set off the criminal process unless he thinks the case can be dismissed.

For those crimes which have to be dealt by the Collegiate Court, the Court of "Assise" [similar to Crown Courts in UK; Federal Judicial District in USA], and in some cases by the Single Judge Court, the Public Prosecutor submits a request for trial to the Judge for the preliminary hearing.

Once the preliminary hearing is over the judge can either commit the defendant for trial or abandon prosecution.

For those crimes which fall under the competence of the Single Judge Court or the Justice of the Peace, the Public Prosecutor will serve a summons for trial or a direct summons for trial.

Then there are some special processes: the summary trial, the sanction requested by the parties (plea bargaining), the immediate or summary judgment, the procedure by criminal decree of conviction.

A criminal proceeding usually takes place in three stages: the first instance (Court of "Assise", Collegiate Court, Single Judge Court, and Justice of the Peace), Appeal, and Court of Cassation [Highest Court].

At first instance all evidence - witnesses and documents - is obtained, and it ends with either conviction or acquittal.

You can appeal against the first instance sentence.

The Court of Appeals takes its decision by either confirming the first instance sentence, or by reversing it partially or totally, or it may quash it by sending it back to the first judge.

You challenge the decision of the Court of Appeals by petitioning the Court of Cassation [the Highest Court].

The Court of Cassation pronounces the judgment by which it states that either the petition is not admissible or rejects it, or even quashes the sentence without sending it back, or finally, it may quash the sentence and send it to the trial judge.

Once all the stages of judgment are over, the sentence is final. If there is a conviction with a sentence, the sentence becomes enforceable at this point.

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For information on minor offences like road traffic offences, which are usually dealt with by a fixed penalty like a fine, go to [Factsheet 5](#).

If you are the victim of a crime, you can find full information about your rights [here](#).

#### Role of the European Commission

Please note that the European Commission has no role in criminal proceedings in the Member States and cannot assist you if you have a complaint.

Information is provided in these Factsheets about how to complain and to whom.

**Click on the links below to find the information that you need**

[1 - Getting legal advice](#)

[2 - My rights during the investigation of a crime](#)

Looking for evidence

Questioning

Arrest, detention, preventive custody and European Arrest Warrant

End of the preliminary investigation and pre-trial hearing.

[3 - My rights during the trial](#)

[4 - My rights after the trial](#)

[5 - Road traffic offences and other minor offences](#)

#### Related links

[Ministry of Justice](#)

[General law issues](#)

[Penal law issues](#)

[Italian Chambers of Criminal Lawyers](#)

[Human Rights](#)

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