

IF YOU ARE ARRESTED

If you are arrested, the officer may:

- a) Issue you a citation and release you,
- b) Issue you a citation and take you to jail, or
- c) Take you to jail with the expectation that the prosecuting attorney will issue a warrant while you are in jail.

If the officer issues you a citation and releases you, the citation will generally include a date for you to appear in district court for your arraignment before a judge or magistrate.

If the officer takes you to jail for a misdemeanor, you will generally have to post bond before you can be released from jail. You may be able to post bond and be released shortly after arriving at the jail for some misdemeanors. For others, such as drinking and driving offences, you will be required to spend a certain number of hours in jail before you can post bond and be released. You will be given a date to appear in district court to be arraigned when you are released.

If you are arrested and taken to jail for a felony offense you will not receive a citation. The arresting officer will be seeking an arrest warrant from the prosecuting attorney. If you are arrested for a felony offense in Calhoun County you will usually remain in jail until you can be arraigned before a magistrate or district court judge who will determine the amount and type of bond you must post to be released. That arraignment is generally a video arraignment.

If you are arraigned for a misdemeanor before a district court judge or magistrate, you will be given an Advice of Rights form to read and sign. You will then be asked how you plead—guilty, no contest, or not guilty. You will proceed to sentencing if you plead guilty or no contest. The judge or magistrate will generally ask you if you want a jury trial or bench trial (trial before a judge) if you plead not guilty. He or she will also discuss your bond. The court will then schedule a pretrial conference where you and/or your attorney will meet with the prosecuting attorney to discuss resolution of the case.

If you are being arraigned for a felony offense the judge or magistrate will not ask you how you plead—he or she will advise you of your rights and read the charges against you. The judge or magistrate then discusses and sets bond. The court schedules a preliminary examination within 14 days. After the prosecution presents evidence at the preliminary examination, the district court judge determines whether probable cause exists to believe that a crime has been committed and that the defendant committed it. The case is bound over to the circuit court for trial if the court determines that probable cause exists.