

IF YOU ARE ARRESTED

If you are arrested, the officer may:

- issue you a citation and release you;
- issue you a citation and take you to jail or;
- take you to jail with the expectation that the prosecuting attorney will authorize 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. The citation may indicate that you need to call the district court within a certain number of days to request an arraignment date, as well.

If the officer takes you to jail for a misdemeanor, you will generally have to post bond before you may be released from jail. For some misdemeanors you may be able to post bond and be released shortly after arriving at the jail. 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. When released you will be given a date to appear in district court for arraignment. If you have not been released or posted the interim bond by the time charges are authorized by the prosecuting attorney and issued by the Court, you will be brought before the Court and arraigned by a magistrate in the afternoon of the following business day.

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

If you are being arraigned for a misdemeanor offense 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. If you plead guilty or no contest, you will either proceed to sentencing or be referred to the probation department for the completion of a presentence investigation report and the matter will be set for an acceptance of plea and sentencing hearing. If you plead not guilty the judge or magistrate will generally ask you if you want a jury trial or bench trial (trial before a judge). 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 potential 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 then read the charges against you. The judge or magistrate will then discuss and set bond. The Court will schedule a preliminary examination conference (PEC) not less than 7 days or more than 14 days after the date of arraignment. The Court will also schedule, usually noted on the same paperwork, a preliminary examination not less than 5 days or more than 7 days after the date of the preliminary examination conference. At the preliminary examination conference, you and/or your attorney will meet with the prosecuting attorney's office to discuss possible plea agreements, address concerns with the bond as set (if any exist), discuss procedural aspects of the case, and discuss any other relevant matters. At the preliminary examination, the prosecution presents witnesses and evidence after which the district court judge determines whether probable cause exists to believe that a crime has been committed and that the defendant committed it. If the court determines that probable cause exists, the case is bound over to circuit court for additional proceedings and eventually trial.