



# Arraignment

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## What is an arraignment?

An **arraignment** (a-RAIN-ment) is the first time someone goes in front of a judge after being arrested. Someone who is arrested and goes before a judge is called a **defendant**.



## When does an arraignment take place?

Arraignments usually take place within 24 hours after the defendant is arrested.

## When do defendants get a lawyer?

If the defendant does not have a lawyer, the court will provide one just before the arraignment.

## What happens at the arraignment?

1. A court officer calls out a **docket number**. This is a unique identification number that every case gets. The court officer also calls out the name of the case. He will say “**People** versus” and then the name of the defendant. People means the government. A **prosecutor** takes the government’s side against the defendant. The prosecutor is called an **ADA**, which stands for **Assistant District Attorney**.

2. A court officer brings the defendant into the courtroom.
3. The judge asks the defendant to **waive the reading** of his or her rights and the **charges**. Charges means the crimes the defendant has been accused of. Waive the reading means agree to not have the rights and charges read. This is to save time. The defendant can say no and ask to have them read.
4. The judge asks the defendant to **enter a plea**. Enter a plea means say “**guilty**” or “not guilty.” Guilty means responsible for the crime.
5. The judge asks if the ADA has any **notices**. Notices are evidence that the ADA will use to prove that the defendant is guilty. To save time, ADA’s usually do not read out the actual words from the law. Instead, they just say the numbers and letters from the law that the information comes from. Here are some of the numbers and letters you may hear an ADA say:
  - **710.30(1)(a) or seven-ten-thirty-one-A**. This means the defendant said something about the crime that the ADA plans to use against the defendant at the trial.
  - **710.30(1)(b) or seven-ten-thirty-one-B**. This means that the ADA has a statement from a witness that the defendant was nearby around the time the crime took place.
  - **190.50 or one-ninety-fifty**. This means the ADA plans to take the case to a **grand jury**. A grand jury decides if a person should be charged with a **felony**. A felony is a crime that is punishable by more than one year in jail.

## More on what happens at the arraignment

6. The ADA can ask the judge to set a certain amount of **bail** or to not release the defendant at all. If the judge **sets bail**, the defendant (or a person on the defendant's behalf) must give the court money to get out of jail. The defendant's lawyer can argue against bail and to **release the defendant on his or her own recognizance**, also called **ROR**. This means the defendant can go home without paying money, but must show up in court on the date the judge says. The defendant's lawyer can also argue for a reasonable amount of bail.
7. The judge decides whether or not to set bail. The **Criminal Justice Agency**, or **CJA**, interviews the defendant before he or she sees the judge. The CJA gives the judge a report to help the judge decide what to do about bail. The judge can also choose to **remand** the defendant. Here, remand means not set bail and send the defendant to jail until the trial. (For more information on bail, see LIFT's "Bail" guide.)
8. The judge sets a date for the next court appearance.



## Can a case be over after an arraignment?

Yes. Sometimes during the arraignment a defendant can enter a **plea bargain**. This means the defendant says he or she is guilty. Usually the ADA and the defendant's lawyer will talk about a plea bargain before the arraignment begins. Decisions about plea bargains should be made with a lawyer.

## Can the defendant talk to family?

No. But family and friends will get a chance to see the defendant during the arraignment.

## Can the family talk to the lawyer?

Sometimes. Sometimes before an arraignment the lawyer will ask if there is any family in the courtroom. Then the lawyer will talk to the family about the case.

## What else can happen after an arraignment?

- The judge can dismiss a case. This means that the case is over.
- The judge can issue an **Adjournment in Contemplation of a Dismissal**, or **ACD**. This means the case will be dismissed if the defendant does not get arrested again for six months or a year. If the defendant does get arrested for a new crime, he or she will also face charges from the first case.




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*This document should not take the place of a consultation with a lawyer. LIFT encourages all individuals involved with the Criminal and Family Court systems to consult with a lawyer.*

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