**ARRAIGNMENT CHECKLIST**

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|  | Held in open court | |
|  | Verify defendant able to speak, read, and understand English | |
|  | Verify legal name (first, middle, last) | |
|  | Confirm contact information (address, phone, email) | |
|  | Verify defendant isn’t under an impairment or disability preventing him/her from understanding the court hearing | |
|  | Give charges and possible penalties. Verify defendant understands | |
|  |  | Tell defendant that there may be enhanced penalties if he/she is convicted of the same or similar offense in the future, the penalties may be more severe |
|  |  | Tell defendant of collateral consequences  Loss of firearms  Immigration consequences |
|  | Give rights. Verify defendant understands. (See Script) | |
|  |  | Right to a lawyer  Determine if Public Defender should be appointed  If applicable, have defendant complete written waiver of the right to a lawyer |
|  | Verify defendant understands the general circumstances under which he/she may be released on bail | |
|  | Explain defendant doesn’t have to enter plea at first appearance. Verify defendant understands | |
|  | Ask defendant to plead to each charge | |
|  | If not guilty or defendant doesn’t enter a plea  Set bond conditions | |
|  | If no contest and no prosecutor available  Enter not guilty plea and set bond conditions | |
|  | If guilty or no contest with prosecutor available and agrees to no contest  Verify plea is voluntary  Verify plea not a result of force, threats, or promises other than what is in plea agreement, if any.  Determine if the guilty plea is the result of prior discussion between defendant or defendant’s lawyer and prosecutor?  Determine factual basis (either by defendant for guilty plea or by prosecutor for no contest plea)  Verify offense committed, defendant committed it, and it happened in court’s jurisdiction.  Sentence or continue for sentencing hearing and set bond conditions. | |