**INITIAL APPEARANCE CHECKLIST**

An initial appearance is the first time a defendant is seen by a judge. The defendant does not enter a plea at an initial appearance. A judge will conduct an initial appearance for all felony appearances, out-of-jurisdiction misdemeanors, or any time a defendant does not enter a plea.

Find this law at §46-7-101, M.C.A. et seq.

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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 them from understanding the court hearing | | |
|  | Give charges and possible penalties. Verify defendant understands | | |
|  |  | Tell defendant that there may be enhanced penalties if they are 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 that they may be released on bail | | |
|  | General circumstances may be released on bail | |
|  | If felony, right to preliminary examination | |
|  | Set bond conditions | |
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