**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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