

JUSTICE COURT / MUNICIPAL COURT BENCH CARD ON INITIAL APPEARANCES

WHEN CONDUCTING AN INITIAL APPEARANCE, THE JUDGE MUST COMPLY WITH RULE 5 OF THE MISSISSIPPI RULES OF CRIMINAL PROCEDURE. READ THE RULE!

A DEFENDANT IN CUSTODY AFTER AN ARREST, with or without an arrest warrant, MUST be taken before a judge for an initial appearance WITHOUT UNNECESSARY DELAY, and always within 48 hours.

ABSOLUTELY BE SURE TO:

- Give the defendant a copy of the charging affidavit.
- IF THE ARREST WAS MADE WITHOUT A WARRANT, then you must determine whether there was PROBABLE CAUSE for the arrest. NOTE YOUR FINDING FOR THE RECORD.
- If there was NO PROBABLE CAUSE for the warrantless arrest, then you MUST release the defendant without any conditions whatsoever.
- Advise the defendant of the right to an attorney.

APPOINT AN ATTORNEY IF THE DEFENDANT WANTS AN ATTORNEY BUT CANNOT AFFORD TO HIRE ONE.

**SEE "BENCH CARD ON RIGHT TO COUNSEL"
FOR PROCEDURES ON:**

**THE RIGHT TO AN ATTORNEY,
THE RIGHT TO AN APPOINTED ATTORNEY,
THE RIGHT TO SELF-REPRESENTATION, AND
KNOWINGLY AND VOLUNTARILY MADE
WAIVERS OF THESE RIGHTS.**

- ADVISE THE DEFENDANT OF:
 - (1) the right to remain silent and that any statements made may be used against the defendant;
 - (2) the right to communicate with an attorney, family or friends, and that reasonable means will be provided to enable the defendant to do so; and
 - (3) the conditions, if any, under which the defendant may obtain release.
- IF THE DEFENDANT IS CHARGED WITH A FELONY, then advise him/her of the right to a preliminary hearing as set forth in Rule 6 of the Mississippi Rules of Criminal Procedure.
- SIGN THE CERTIFICATE OF INITIAL APPEARANCE showing compliance with the procedures for initial appearances under the Mississippi Rules of Criminal Procedure.

WITH THE DEFENDANT'S CONSENT, initial appearances may be conducted with the use of interactive audiovisual equipment as set forth in Rule 1.8 of the Mississippi Rules of Criminal Procedure.



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