

Rule 19
MISDEMEANOR ARRAIGNMENT

(A) All in-custody criminal and traffic arraignment cases will be heard in courtroom #4 beginning 9:00 a.m., Monday through Friday.

(B) In cases where persons are out of custody and charged with the following offenses: vehicular homicide, negligent homicide, assault, menacing by stalking, aggravated menacing, menacing, arson, domestic violence, violation of a temporary protection order, intimidation of a crime victim/witness and repeat offenses of driving while under the influence of alcohol and/or drugs; arraignments will be heard in courtroom #4 beginning at 9:00 a.m., Monday through Friday.

(C) In cases where motions for temporary protection orders have been filed, the hearings will be held pursuant to statute in courtroom #4 beginning at 9:00 a.m., Monday through Friday.

(D) All other criminal and traffic misdemeanor arraignments will be heard by a magistrate in courtroom #4 beginning at 1:00 p.m., Monday through Friday.

(E) After giving all defendants an explanation of their rights, including the right to have counsel appointed if they are eligible, the judge or magistrate hearing misdemeanor arraignments may receive pleas of guilty, no contest, or not guilty. Magistrates accepting pleas may recommend sentences as provided in the court's Order of Reference. No plea shall be accepted by a magistrate without the defendant signing a waiver, of the defendants' right to a trial by judge or jury and agreeing to have a magistrate hear the defendant's case. In addition, in all M-1 through M-4 cases where the defendant is not represented by counsel, a waiver of attorney form is also required. No defendant shall be required to have an arraignment before a magistrate and may request the case be re-assigned to the duty judge for the same day. The defendant may have one continuance to obtain counsel for arraignment and further continuances only upon approval of the misdemeanor judge or magistrate or the duty judge.

(F) If a plea of not guilty is entered, the case shall be referred to the assignment commissioner for a trial date and a prosecutor pretrial if requested by the defendant. The assignment commissioner shall note the trial date on the complaint (affidavit) and then notify the prosecutor and complainant, and if they have not yet been notified, defendant and defense counsel, if any.

(G) All decisions and recommended penalties shall be adopted and affirmed by the presiding judge where no objections are filed. A motion to set aside the magistrate's order shall be filed, in writing, within fourteen (14) days after issuance of the order. A motion to set aside the magistrate's order shall be referred to the duty judge for ruling. The court may adopt the magistrate's decision and enter judgment if no written objections are filed or the parties have waived the filing of objections in writing or on the record in open court, unless the court determines that there is an error of law or other defect on the face of the magistrate's decision. No sentence recommended by a magistrate shall be enforced until the court has entered judgment.

[Table Of Contents](#)