

Arrest to Arraignment.

After you are arrested, you will generally be taken into custody and booked into the Pima County Jail. A Pretrial Services representative and an attorney will speak with you briefly about your situation.

Within 24 hours of your arrest, you will have an INITIAL APPEARANCE (IA). Three things will happen at the IA: The judge or magistrate (1) reviews the police's statement of PROBABLE CAUSE to arrest; (2) determines RELEASE CONDITIONS; and (3) sets the next court date.

PROBABLE CAUSE. When you appear before the judge, he or she will review the police's statement of probable cause, which is contained in paperwork called an "interim complaint." PROBABLE CAUSE is a very low standard: did the officer have reason to believe that a crime was likely committed and that you were the one who likely committed it? The probable cause statement can be as simple as two or three sentences. If the judge finds no probable cause, you will be released. If the judge finds probable cause, the magistrate will set release conditions.

RELEASE CONDITIONS. Because the judge found that an offense had likely been committed and you were likely the one who committed it, the question then becomes: can the Court trust that you will show up at your next court appearance? If the judge believes that you will show up, you will be released on your own recognizance (ROR). If the judge has some concerns about whether you will show up or whether you need supervision to make sure you show up, the magistrate may release you to Pretrial Services (PTS). PTS will have interviewed you before your IA, and will have already prepared a report that the judge has read detailing the alleged offense, how long you have lived in Tucson, who you live with, whether you have a job and how long you have been employed, your medical and mental health history, whether you will be able to stay with someone if you are released, and PTS's recommendation about whether you should be released. The judge is not required to follow the PTS release recommendation.

Instead of being released ROR or under PTS supervision, the judge may require a CASH BOND or SECURED BOND. A bond gives the Court assurance that you will show up to the next court date because if you don't show up, you will lose your bond.

A CASH BOND means that you must pay the entirety of the bond amount in cash. Once you do that, you will be released, but you still have some conditions to your release, such as appearing at your next court date.

A SECURED BOND means you can pledge property worth the bond amount rather than cash only. Many defendants and their families will visit a BAIL BONDSMAN. Bail bond companies are businesses. If the

bondsman accepts you as a client, he will charge you a fee—often 10% of the bond amount, sometimes more in fugitive warrant cases. For example, if the judge orders a \$10,000 bond, 10% is \$1,000, which you or a family member has to provide to the bond company in cash. You don't get that money back—that is the cost of doing business with the bond company. In return, the bond company will place a lien on a property item that you or your family has that is worth \$10,000, and then the bond company will put up the \$10,000 to the jail. You will then be released. If you don't show up at your next court hearing, a judge can order the bond forfeited. That means that the bond company will exercise its legal rights on the property lien so it can recover its \$10,000 from you because it lost (forfeited) the \$10,000 it had given to the jail to get you released. A judge will also order a warrant for your arrest.

If you show up at all of your court dates, the bond will be returned to the person who posted the bond (if in CASH), or the bond will be exonerated (if SECURED) at the end of your case, which means the bond company should remove the lien it placed on your or your family's property.

There are many other RELEASE CONDITIONS on the reverse side of the paperwork you receive at your IA. Please make sure you understand your release conditions. For example, don't travel out of state without the Court's permission.

NEXT COURT DATE. The Arizona Constitution and the Arizona Rules of Criminal Procedure don't allow the IA judge's PROBABLE CAUSE finding to be final. Therefore, after your IA, the next court date you will receive is for a PRELIMINARY HEARING (PH). A PH is one way that the County Attorney's Office can bring formal charges against you. If you are in jail, the rules require that the PH date be set within 10 days; if you are out-of-custody, the rules require the PH to be held in 20 days. Everyone gets a PH date; however, few Pima County cases go to a PH. This is because most cases in Pima County get formally charged through the GRAND JURY process.

The difference between a PH and a GRAND JURY is that a PH looks more like a mini-trial: there is a judge, a prosecutor, a complaining witness, a defendant (you), your lawyer, and a court reporter. The prosecutor calls the witness to testify under oath. Your lawyer will cross-examine the witness. The sole purpose of the hearing is to determine PROBABLE CAUSE, not your guilt or innocence. But if you had witnesses, you could present their testimony to the judge as well. If the judge finds PROBABLE CAUSE to believe that offenses were likely committed and you likely committed them, the result is an INFORMATION.

In contrast, the GRAND JURY process has no judge, no complaining witness, no defense attorney, and no defendant. Instead, a group of about 15 people from Pima County listen to evidence the County Attorney's deputy prosecutor presents to them through a witness, usually a police officer. The grand jurors can ask legal and factual questions. Then, they make a decision, by themselves, without the prosecutor or anyone else present, whether PROBABLE CAUSE exists to believe that offenses were likely

committed and you were the one who likely committed them. Only 9 of them must agree that an offense likely was committed. The result is an INDICTMENT.

Sometimes, the County Attorney's Office may decide not to pursue the case under either process, and your case will be dismissed WITHOUT PREJUDICE, and you will be released. WITHOUT PREJUDICE means that the prosecutor can re-charge you, if, for example, the police find more evidence against you. These charging decisions—whether to charge you and what to charge you with—are solely within the County Attorney's (or Attorney General's) discretion.

If the state decides to re-charge you, you will get notice in the mail to appear for your ARRAIGNMENT. Sometimes, you might just be re-arrested.

The ARRAIGNMENT happens about a week to 10 days after the PH date that was originally given to you in your release condition paperwork at your IA. The ARRAIGNMENT is the formal step in the proceedings that tells you what offenses the State is charging you with. Although in theory you could plead guilty right then and there, that is not advisable—in fact, the judge will enter a “not guilty” plea on your behalf. Also at the ARRAIGNMENT, the judge (1) asks if the INDICTMENT/ INFORMATION has your correct name, (2) gives you directions about reporting to the jail to be fingerprinted if you have not done so already and, (3) may tell you a few other things to do, like contact your attorney.