

1 **Rule 7A. Procedures for Arraignment on Class B or C misdemeanors, or infractions.**

2 (a) **Initial appearance.** At the defendant's initial appearance, the court must inform the  
3 defendant:

4 (a)(1) of the charge in the information, indictment, or citation and furnish a copy;

5 (a)(2) of any affidavit or recorded testimony given in support of the information and how to  
6 obtain them;

7 (a)(3) of the right to retain counsel or have counsel appointed by the court without expense if  
8 unable to obtain counsel;

9 (a)(4) of rights concerning pretrial release, including bail; and

10 (a)(5) that the defendant is not required to make any statement, and that any statement the  
11 defendant makes may be used against the defendant in a court of law.

12 (b) **Right to counsel.** If the defendant is present at the initial appearance without counsel, the  
13 court must determine if the defendant is capable of retaining the services of an attorney within a  
14 reasonable time. If the court determines the defendant has such resources, the court must allow  
15 the defendant a reasonable time and opportunity to retain and consult with counsel. If the court  
16 determines defendant is indigent, the court must appoint counsel pursuant to Rule 8, unless the  
17 defendant knowingly and intelligently waives such appointment.

18 (c) **Release conditions.**

19 (c)(1) If counsel are present and prepared, the court must address whether the defendant is  
20 entitled to pretrial release pursuant to Utah Code § 77-20-1, and if so, what if any conditions the  
21 court will impose to reasonably ensure the continued appearance of the defendant, integrity of  
22 the judicial process, and safety of the community. The court must use the least restrictive  
23 conditions needed to meet those goals.

24 (c)(2) The determination of pretrial release eligibility and conditions, may be reviewed and  
25 modified upon application by either party based on a material change in circumstances, or other  
26 good cause.

27 (d) **Continuances.** If defense counsel is not present or not yet prepared, the court must allow up  
28 to a seven day continuance of the hearing to allow for preparation. The court may allow more  
29 than seven days with the consent of the defendant.

30 (e) **Entering a plea.**

31 (e)(1) If defendant is prepared with counsel, or if defendant waives the right to be represented by  
32 counsel, the court must call upon the defendant to enter a plea.

33 (e)(2) If the plea is guilty, the court must sentence the defendant as provided by law.

34 (e)(3) If the plea is not guilty, the court must set the matter for trial or a pretrial conference  
35 within a reasonable time. Such time should be no longer than 30 days if defendant is in custody.

36 (e)(4) The court may administratively enter a not guilty plea for the defendant. If the court has  
37 appointed counsel, the defendant does not desire to enter a plea, or for other good cause, the  
38 court must then schedule a pretrial conference.

Effective May 1, 2018