

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

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

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

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

8 ~~(a)~~(4) of rights concerning pretrial release; and

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

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

19 (c) **Release conditions.** Except as provided in paragraph (d), the court must issue a
20 pretrial status order pursuant to Utah Code section 77-20-~~1205~~. Parties should be
21 prepared to address this issue, including notice requirements under Utah Code section
22 77-37-3 and Utah Code section 77-38-3.

23 ~~(e)~~(1) A motion to modify the pretrial status order issued at initial appearance may
24 be made by either party at any time upon notice to the opposing party sufficient
25 to permit the opposing party to prepare for the hearing and to permit each alleged
26 victim to be notified and be present.

27 ~~(e)~~(2) Subsequent motions to modify a pretrial status order may be made only
28 upon a showing that there has been a material change in circumstances.

29 ~~(e)~~(3) A hearing on a motion to modify a pretrial status order may be held in
30 conjunction with a preliminary hearing or any other pretrial hearing.

31 (d) **Continuances.** Upon application of either party and a showing of good cause, the
32 court may allow up to a seven day continuance of the hearing to allow for preparation,
33 including notification to any victims. The court may allow more than seven days with the
34 consent of the defendant.

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

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

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

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

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

46