

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

2 (a) The court, at a defendant's initial appearance shall inform the 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 and how to  
5 obtain them;

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

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

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

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

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

22 (c)(2) If defense counsel is not present or not yet prepared, the court shall allow up to a seven  
23 day continuance of the hearing to allow for preparation, or more if agreed to by the defendant.

24 (c)(3) 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) If defendant is prepared with counsel, or if defendant waives the right to be represented by  
28 counsel, the court shall call upon a defendant to enter a plea.

29 (d)(1) If the plea is guilty, the defendant shall be sentenced by the court as provided by law.

30 (d)(2) If the plea is not guilty, the court shall set the matter for trial or a pretrial conference  
31 within a reasonable time. Such time should be no longer than 30 days if defendant is in custody.  
32 (d)(3) If the court has appointed counsel, defendant does not desire to enter a plea, or for other  
33 good cause, the court may administratively enter a not guilty plea for the defendant. The court  
34 shall then schedule a pretrial conference.