

# The Early Criminal Process: From Incident to First Court Date

## 1 WHY DO I HAVE TO GO TO CRIMINAL COURT, AND WHEN + WHERE DO I GO?

Why? Most commonly, if you are not in custody, you must go because you were:



Arrested, given a notice to sign (“I promise to appear in Dept. X on Y date”), and released.



Involved in an incident, no one was arrested, but a notice is mailed to you later.

When + Where? Look at your notice (called a “Notice to Appear” or “NTA”)—it will include:

- The time, date, courthouse, and department # of your first court date (called an “**arraignment**”);
- The type of charge (likely misdemeanor if you are out of custody); and
- A citation to the relevant code section (e.g., P.C. = Penal Code). Note that the notice may not have a description of the alleged charge(s).



You can always call the Public Defender’s office if you’ve lost any written notices to double check the dates and times that you have to go to court!

## 2 WHAT HAPPENS AT THE FIRST COURT DATE (THE “ARRAIGNMENT”)?

- Your case will be called, anywhere between 9am to 12pm. Don’t schedule anything that might conflict!
- You will find out if you’re being charged, and what you’re being charged with. If you haven’t been charged, the District Attorney may file the charge later (months to years from now) so check back in with the Public Defender’s office every month or so for a status update.



You aren’t assigned a Public Defender unless/until you are charged. However, the Public Defender’s office can provide some important information (about court dates, warrants, etc.).

- You will be read your Constitutional rights.
- You can request a Public Defender. You will have to fill out a request form and provide financial information (but no need to bring copies of financial documents).
- You don’t have to enter a plea of not guilty or guilty at this time.
- It is unlikely, but possible, to be taken into custody. Being taken into custody is more likely if you’ve violated any court orders, have failed to appear before, or if your case involves something particularly egregious. If you are taken into custody, there will be a bail hearing.

### GENERAL TIPS:

1. **Every county operates differently!** The information here applies only to San Francisco and Alameda Counties.
2. **Make it a habit to keep your phone number and address current.** Your Public Defender will need to get in touch with you!
3. **Important! Don’t talk to anyone about your case.** Discussing your case may result in more incriminating evidence, making your case harder to fight.
4. **Always attend your court appointments.** You may receive a **warrant** for failing to appear in court, increasing the chance you’ll be taken into custody—now, or in the future.
5. **Warrants aren’t the worst, but you still don’t want them!** Warrants don’t affect the charge, or the case outcome, but they put you at risk of being picked up at any time.
6. **You can help your Public Defender!** Make a list of witnesses who might help your case, bring any paperwork from the police, and gather any photographs or video footage—share this information with your Public Defender either at the arraignment, or when you learn about new evidence!
7. **Try not to worry.** You’re at the very beginning of a process that could take months. Stay on top of your court dates, and keep in touch with your Public Defender. The next court date after your arraignment could be anywhere from 2 weeks to 1 month later.
8. **Have questions?** Your Public Defender is in your corner, and is best able to answer them! Talking to a Public Defender is not the same as talking to the police—as your attorney, your conversation is confidential.