

CourtWatch MA

Volunteer Training

Arraignment Script 1

Clerk: Calling Commonwealth vs Derek Johnson Docket number #1862CR2001.

Court Officer: Custody.

Clerk: Mr. Johnson is in custody is he here?

Court Officer: Yes he is.

Clerk: Your honor, Mr. Johnson is now present. Mr. Johnson you are charged with Assault & Battery with a dangerous weapon. A plea of not guilty will be entered on your behalf.

Judge: Do we have anything from probation?

Probation: No, nothing Judge.

Judge: Can we hear the facts from the Commonwealth?

ADA: Good morning your honor, [name] for the Commonwealth. Officers Smith and McCarthy were called to 123 Main Street by the wife of the alleged victim Mr. Mark Roberts following an argument with Mr. Johnson. Mr. Roberts reported to officers that Mr. Johnson came inside the home to pick up an item he'd left there. Mr. Johnson started a verbal altercation during which Mr. Johnson threatened Mr. Roberts and pushed him. When Mr. Johnson was attempting to leave the house, he hit Mr. Roberts in the head and shoulders with the door. When officers arrived, Mr. Johnson was yelling outside the home. Mr. Johnson was uncooperative and combative with officers. The officers arrested him and brought him to the Worcester Police Department to be arraigned today in Worcester District Court.

Judge: Is the victim present in court today?

ADA: No your honor our office was unable to reach the victim.

Judge: Does the Commonwealth have a recommendation for bail?

ADA: Mr. Johnson has previous convictions and a history of defaults. Given the seriousness of the offense and Mr. Johnson's history of violence, we'd ask that the court impose a bail of \$2,500 to ensure his return to court and if the defendant posts bail that he be required to wear a GPS monitor.

Judge: Does the defense have a response?

Defense Attorney: Your honor, Attorney x on behalf of Mr. Johnson. My client is 45 years old and his most recent conviction is from ten years ago. He has two defaults on his record, and those appear to be for failure to pay court fees. There's no evidence that he's a flight risk. He's employed and his brother and daughter are here with him in court today. The alleged victim is not here in court today. So the defendant is asking that he be released on his own recognizance with no conditions, but he would agree to a stay from the address where the alleged incident occurred.

Judge: Okay thank you. Having heard these arguments, I'm setting bail in the amount of \$1,500 and the conditions of a GPS monitor and a stay away order from that address.

Clerk: Bail is set at \$1500 cash, \$15,000 with surety. Should you post that amount, additional conditions of GPS monitoring & stay away from 123 Main Street are imposed. If you are arrested or charged with a new offense while awaiting trial on this case, your bail may be revoked and you could be held for 90 days without bail. Attorney xxx is appointed as counsel, with a \$150 fee for her services. Counselors – do you have an agreed upon date?

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Arraignment Script 2

Clerk: Calling Commonwealth vs Alexandra Roberts Docket number #1801CR2002

Court Officer: Custody.

Clerk: Roberts is in custody. Is she here?

Court Officer: Yes she is.

Clerk: Okay Roberts is now present. Council?

Clerk: Is council present?

Defense Attorney: Yes, Sir/Madam Clerk, [name] for Alexandra Roberts.

Clerk: Ms Roberts is being charged with possession with intent to distribute a Class B substance in a school zone, shoplifting, and resisting arrest. A plea of not guilty will be entered on her behalf.

Judge: Do we have anything from probation?

Probation: No, nothing Judge.

Judge: Commonwealth, can we hear the facts in this case?

ADA: Good morning Judge, [Name] for the Commonwealth. Officers McNulty and Parker were called to the Walgreens on Park Ave on the afternoon of Friday March 16. The manager on duty reported that a suspect had filled a backpack with beverages and food and left the store. The manager described Alexandra Roberts. The officers left the Walgreens and observed a woman who matched the description of Alexandra Roberts with a backpack several blocks away from the Walgreens with a backpack. When officers approached Ms. Roberts, she attempted to run but fell and officers were able to detain her. After confirming the suspects identity, Ms. Roberts consented to a search. The officers found several bags of chips and soda from the store as well as six packets of what appeared to be heroin in the backpack. Ms. Roberts was found with the drugs within 300 feet of a high school. The officers arrested Ms. Roberts and transported her to Worcester Police Department to be arraigned today.

Judge: What is the Commonwealth requesting?

ADA: The defendant has an open case Docket #1702CR7621 arraigned on September 20, 2017 and charged with larceny under \$250. For that case I'd ask that you revoke the bail on that case, as Ms. Roberts was aware of and violated the condition of her bail that she not be arrested on a new offense and has a pattern of larceny and drug charges. And for the current case Docket #1801CR2002, Ms. Roberts housing appears to be unstable as we have a record of multiple addresses. Ms. Roberts has a lengthy criminal record and numerous defaults. In order to ensure that Ms. Roberts appears in court and doesn't commit a new offense, the Commonwealth is requesting that she be held on \$500 bail.

Judge: And what's your response?

Defense Attorney: Your Honor, Ms. Roberts is homeless and cannot afford to pay \$500 bail. Despite being homeless and having previous convictions on her record, Ms. Roberts has always come to court to answer for her charges and held accountable. Ms. Roberts defaults are solely because she was unable to pay for court fees that she also could not afford. Ms. Roberts told me that she is seeking detox treatment, and she won't be able to go to her program if her bail is revoked and she is held on bail. So Ms. Roberts is requesting to be released on her own recognizance.

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Judge: Okay. Bail set for Alexandra Roberts at \$250, motion to revoke bail denied. Stay away order from the Walgreens. Do we have a next date?

Clerk: Bail is set at \$250 cash, \$2,500 with surety. Should you post that amount, a stay away order from the Walgreens is imposed. If you are arrested or charged with a new offense while awaiting trial on this case, your bail may be revoked and you could be held for 90 days without bail. Attorney xxx is appointed as counsel, with a \$150 fee for her services. Counselors – do you have an agreed upon date?