

CourtWatch MA

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Arraignment Script 1

Clerk: Alexandra Roberts

Court Officer: Custody.

Clerk: Alexandra Roberts is being charged with possession with intent to distribute a Class B substance, shoplifting, and resisting arrest.

Judge: Good morning Ms. Roberts. A plea of not guilty will be entered on your behalf. You have the right to be represented by an attorney and you also have the right to choose to represent yourself. If you cannot afford an attorney, an attorney will be appointed for you. Probation, does Ms. Roberts qualify for appointed counsel?

Probation: She does.

Judge: Ms. Roberts would you like me to assign Attorney Hanora to your case?

Ms. Roberts: Yes

Judge: Okay Attorney Hanora on behalf of Ms. Roberts. Do we have anything else 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. When officers approached Ms. Roberts, she attempted to run but fell and officers were able to detain her. After confirming the suspect's 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. 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 #1813CR007621 arraigned on September 20, 2018 and charged with larceny under \$1200. 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 #1913CR002002, Ms. Roberts's 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: Attorney Hanora for Ms. Roberts.

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 be held accountable. Ms. Roberts's 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 60 days without bail. Attorney Hanora is appointed as counsel, with a \$150 fee for her services. Counselors – do you have an agreed upon date?

Arraignment Script 2

Clerk: Paul Johnson

Court Officer: Custody.

Clerk: Paul Johnson is being charged with assault and battery with a dangerous weapon, assault and battery on a family or household member, and strangulation.

Judge: Good morning, Mr. Johnson. A plea of not guilty will be entered on your behalf. You have the right to be represented by an attorney and you also have the right to choose to represent yourself. If you cannot afford an attorney, an attorney will be appointed for you. Probation, does Mr. Johnson qualify for appointed counsel?

Probation: He does not.

Judge: Okay, Mr. Johnson you will have to hire private counsel before your next hearing if you wish to be represented by a lawyer. I will assign Attorney Hanora to represent you for the arraignment today.

Judge: Do we have anything else from probation?

Probation: No, nothing Judge.

Judge: Commonwealth, I believe you've entered a motion for a 58A hearing?

ADA: Yes, Judge, the Commonwealth is filing a motion pursuant to Title II Chapter 257 Section 58A to hold Mr. Johnson in custody without bail.

Judge: Okay I'll hear the motion to determine probable cause.

ADA: Your honor Mr. Johnson was arrested after the named victim in this case, Jane Smith, called the police to her residence in Lynn at 123 Main St on September 13 at 11:30pm. When officers arrived at the scene Ms. Smith was crying hysterically and told officers that Mr. Johnson had come home intoxicated and began arguing with her in the kitchen while she was preparing food. Ms. Smith showed officers red marks on her body from being pushed and shoved against the cabinets by Mr. Johnson. Mr. Johnson put his hands around Ms. Smith's neck and threatened her with a knife from the counter. Mr. Johnson then pushed Ms. Smith to the ground and fled the apartment before officers arrived. Officers picked him up one block from Ms. Smith's apartment building. Given the nature and circumstances of the offense and the seriousness of the allegations against Mr. Johnson the Commonwealth is requesting that Mr. Johnson be detained because he poses a substantial risk of harm. The Commonwealth also requests a stay away no contact order from Ms. Smith.

Judge: Is the named victim in court today? Has the Commonwealth been in touch with the victim?

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ADA: The victim is not in court today and our office has left her a message.

Judge: I'll have to allow the motion for a 58A hearing and I will impose the condition of a stay away no contact order from Ms. Jane Smith. Is the Commonwealth ready today or requesting a continuance?

ADA: The Commonwealth is requesting a continuance to get in touch with the named victim in the case prior to the 58A hearing.

Judge: I'll allow a continuance until this Friday, September 20. Attorney Hanora can you be present on September 20?

Defense Attorney: Yes your honor I've spoken with Mr. Johnson and I've agreed to represent him at the hearing on Friday. For the record I object to the continuance. I also wanted to let the court know that eight family members are in court today with Mr. Johnson, all of whom say Mr. Johnson can stay with them. Mr. Johnson is employed and already missing work today and will miss work if he's held in jail until Friday pending the hearing. Mr. Johnson has no previous convictions and is not a flight risk since he lives and works in Lynn. Mr. Johnson would agree to post a cash bail. He says he can afford \$500 and he would agree to a stay away no contact order from Ms. Smith.

Judge: I've noted your objection for the record Attorney Hanora. I don't have discretion in this case. I'm ruling on probable cause and given the nature of the allegations I'll allow the motion for the 58 hearing and impose the stay away/no contact order.

Clerk: Paul Johnson is held without bail pending 58A hearing continued until September 20 and to stay away and not contact Jane Smith. Should you violate this order or should bail be set in this case and you are able to post the bail, if arrested or charged with a new offense while awaiting trial on this case, your bail may be revoked and you could be held for 60 days without bail.