

Misdemeanor Arraignment in District Court Checklist¹

- Identify case number and parties for the record.²
- Ensure that a verbatim record is made of the arraignment. [MCR 6.610\(C\)](#); [MCR 6.104\(F\)](#).
- Advise defendant of the name of the offense.³ [MCR 6.610\(D\)\(1\)\(a\)](#); [MCR 6.104\(E\)\(1\)](#).
- Advise defendant of the maximum sentence permitted by law and any mandatory minimum sentence required by law.⁴ [MCR 6.610\(D\)\(1\)\(b\)](#); [MCR 6.104\(E\)\(1\)](#).
- Advise defendant of the following rights:⁵
 - The right to remain silent. [MCR 6.104\(E\)\(2\)\(a\)](#).
 - Anything the accused says orally or in writing can be used against the accused in court. [MCR 6.104\(E\)\(2\)\(b\)](#).
 - The right to have a lawyer present during any questioning consented to. [MCR 6.104\(E\)\(2\)\(c\)](#).

¹ For more detailed information on this topic, see the Michigan Judicial Institute's *Criminal Proceedings Benchbook, Vol. 1*. Although [MCR 6.104\(E\)-\(F\)](#) are not included in the list of court rules that are expressly applicable to misdemeanors under [MCR 6.001\(B\)](#), [MCR 6.104\(E\)-\(F\)](#) are presumably applicable to misdemeanors under [MCR 6.104\(A\)](#), which is expressly applicable to misdemeanors and provides that arraignment is to take place "in accordance with the provisions of [[MCR 6.104](#).]"

² This information may be given to defendant on the record or in a writing made part of the file. [MCR 6.610\(D\)\(1\)](#).

³ This information may be given to defendant on the record or in a writing made part of the file. [MCR 6.610\(D\)\(1\)](#).

⁴ This information may be given to defendant on the record or in a writing made part of the file. [MCR 6.610\(D\)\(1\)](#).

⁵ This information may be given to defendant on the record or in a writing made part of the file. [MCR 6.610\(D\)\(1\)](#).

- The right to the assistance of an attorney at all court proceedings, including arraignment, and to a trial. [MCR 6.610\(D\)\(1\)\(c\)\(i\)](#).
- The right to an appointed attorney if the accused is indigent and the offense charged requires on conviction a minimum term in jail or the court determines it might sentence to a term of incarceration, even if suspended. [MCR 6.610\(D\)\(2\)](#).⁶
- The right to trial by jury, when required by law. [MCR 6.610\(D\)\(1\)\(c\)](#); [MCR 6.610\(D\)\(2\)](#).
- Note:** The right to the assistance of an attorney, to an appointed attorney,⁷ or to a trial by jury is not waived unless defendant:
 - Has been informed of the right; and
 - Has waived it in a writing that is made a part of the file or orally on the record. [MCR 6.610\(D\)\(3\)](#).
- Determine how defendant wishes to plead:
 - Not guilty or stands mute.⁸
 - Guilty.⁹
 - No contest.¹⁰
- Set bail. [MCR 6.106\(E\)](#).
- Advise defendant of any conditions attendant to pretrial release. [MCR 6.106\(D\)](#).
- Set date on which defendant must next appear in court with counsel. [MCR 6.104\(E\)\(4\)](#).

⁶“If an indigent defendant is without an attorney and has not waived the right to an appointed attorney, the court may not sentence the defendant to jail or to a suspended jail sentence.” [MCR 6.610\(D\)\(2\)](#).

⁷ If the defendant has not waived the right to counsel, the court must refer the defendant to the appointing authority for appointment of counsel. [MCR 6.610\(D\)\(3\)](#).

⁸“The court may allow a defendant to enter a plea of not guilty or to stand mute without formal arraignment by filing a written statement signed by the defendant and any defense attorney of record, reciting the general nature of the charge, the maximum possible sentence, the rights of the defendant at arraignment, and the plea to be entered. The court may require that an appropriate bond be executed and filed and appropriate and reasonable sureties posted or continued as a condition precedent to allowing the defendant to be arraigned without personally appearing before the court.” [MCR 6.610\(D\)\(4\)](#).

⁹ See the Michigan Judicial Institute’s [Guilty and No Contest Plea Checklist for Misdemeanors](#).

¹⁰ See the Michigan Judicial Institute’s [Guilty and No Contest Plea Checklist for Misdemeanors](#).