

Court Service Center

New Hampshire Circuit Court

CRIMINAL CASE PROCESS

General information:

- You may have to appear in court for a violation, misdemeanor, or felony level charge.
- If you are charged with a violation, it is for something illegal but not “criminal” and there is no possibility of jail time.
- If you are charged with a Class B misdemeanor it is considered a criminal offense but does not have the possibility of jail time.
- If you are charged with a Class A misdemeanor it is a criminal offense with can result in jail time.
- If you are charged with a felony, this is the highest level of offense. It is a serious criminal matter which will be handled by the District Division on a preliminary basis only, and will then move on to Superior Court if it is found there was sufficient cause for the charge.
- Besides jail time, other possible sentences include fines, community service, probation, loss of license, and/or the completion of programs or classes with proof to the court and/or prosecutor. You may be sentenced to some combination of these.
- Refer to District Court Rules 2.1 or 2.19 for more information.

What happens next?

- If you were arrested and a bailed by a bail commissioner, you will have received paperwork with your court date printed on it. If you were served a violation level summons, it will also have the court date on it. This date is your arraignment. You won't receive any additional notice from the court.
- An arraignment is your first court appearance when you let the court know if you will enter a plea of not guilty, *nolo* (no contest), or guilty. There is no need to bring witnesses or evidence.
- Guilty and *nolo* pleas will likely be resolved on that same date. You may be asked to fill out a form called an Acknowledgement of Rights and possibly other paperwork.
- On not guilty pleas, you will be given a notice of hearing for a trial date in the future. Bail amounts and conditions may also be addressed at the arraignment.
- If you are charged with a felony, no plea is taken. You will be given a notice of hearing for a probable cause hearing.
- If you wish to have court appointed counsel, and are charged with a Class A misdemeanor or felony, you will fill out a financial affidavit. There is no need to contact the court ahead of time, but come prepared to provide the court with a breakdown of your assets, income, and expenses. If you are eligible, you will be given notice of contact information for the Public Defender's Office and the Office of Cost Containment which arranges your payment fee and schedule for the attorney. Public defenders are not free, but the payment is minimal compared to hiring an attorney on your own.
- You may hire your own attorney. Court staff cannot recommend specific attorneys to you, but can provide you with contact information for the Bar Association or other resources.
- If a fine is part of your sentence, payment is expected the day of court. You can contact the prosecutor to see what fine amount they will be seeking. The court does not know this information and cannot advise you.

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- If you are coming back for a trial, this is your opportunity to present your case to the judge. Witnesses and evidence should be brought to court at this time.
- If you cannot pay the fine as ordered, you must address this with the prosecutor and judge before going to the clerk's window. You may be required to fill out a financial affidavit or pay additional fees if the fine is not paid in full on that date.
- If you cannot appear the day of the arraignment or trial, you must file a written motion to continue with the court. This should be done as soon as you are aware of the conflict.

Forms and Instructions are available at any NH District Court

Additional information can be found at:

www.courts.state.nh.us/district