

Name of Defendant \_\_\_\_\_

Warrant/Ticket No. \_\_\_\_\_

County/Municipality of \_\_\_\_\_

Charges: \_\_\_\_\_

Trial Court: \_\_\_\_\_

### CHECKLIST FOR MAGISTRATES AND MUNICIPAL JUDGES

Directions: Magistrates and municipal court judges must use this checklist for ALL GENERAL SESSIONS and for ALL MAGISTRATE AND MUNICIPAL COURT CASES IN WHICH BOND IS SET BY A JUDGE. Magistrates and municipal judges must also use the Checklist on those offenses, for which bond cannot be set by a summary court judge ("non-bailable"), that are GENERAL SESSIONS OFFENSES IN WHICH THEY ARE CONDUCTING FIRST APPEARANCES. The judge shall attach this checklist to the charging document (arrest warrant or uniform traffic ticket) when the defendant first appears before a judge for a bond hearing or first appearance, and complete the appropriate sections. **Defendant must initial where indicated, sign, and be provided a completed copy of this form.**

BAIL PROCEEDING/ FIRST APPEARANCE BEFORE A MAGISTRATE OR MUNICIPAL JUDGE  
(OFFENSES THAT ARE NON-BAILABLE BY A SUMMARY COURT JUDGE)

1. Form used at bail proceeding  Bond Form I (personal recognizance)  Bond Form II (surety, cash, percentage)

None (Non-Bailable Offense) because  charge carries penalty of life or death; or  
 defendant charged with violent offense while bonded out on violent offense

2. \_\_\_\_\_ (Def. Initials) For cases in which bond was set, defendant was informed:

- a. Warrant for arrest may be issued for violation of any condition of bail bond order.
- b. His right and obligation to be present at trial and that trial may proceed in his absence if he fails to attend.
- c. Failure to appear in court as required may result in institution of additional criminal charges. S.C. Code Ann. § 17-15-90 (2014). Failure to appear in connection with a felony, or while awaiting sentence after conviction, carries an additional penalty of not more than \$5,000 or imprisonment for not more than 5 years, or both. Failure to appear in connection with a charge for a misdemeanor for which the maximum possible sentence is at least one year, carries an additional penalty of not more than \$1,000 or imprisonment for not more than one year, or both. Failure to appear in court as required on any charge not specified above may result in the issuance of a warrant for defendant's arrest, as well as loss of any posted bond.

3. \_\_\_\_\_ (Def. Initials) For cases to be tried in Court of General Sessions, defendant was informed of right to preliminary hearing if requested within ten (10) days:

Orally  In writing {NOTE: Defendant must be informed of right both orally and in writing. }

4. \_\_\_\_\_ (Def. Initials) Defendant was informed of the right to trial by jury.

5. \_\_\_\_\_ (Def. Initials) In all general sessions cases, in all domestic violence cases, and in all magistrate or municipal cases in which the defendant is subject to a prison sentence, defendant was informed of the following:

- a. Charges against defendant and nature of the charges.
- b. Right to counsel and right to court-appointed counsel if financially unable to employ counsel.
- c. Defendant was informed orally and provided a copy of this form advising him of his right to obtain court-appointed counsel if indigent (must meet guidelines set forth in Rule 602(b), SCACR) and instructions on how to obtain court-appointed counsel. In order to apply for court-appointed counsel, defendant is required to appear before \_\_\_\_\_ located at \_\_\_\_\_ for indigency screening. Defendant is responsible for a statutory fee of \$\_\_\_\_\_ for indigency screening unless that fee is waived or reduced pursuant to §17-3-30(B).
- 6. \_\_\_\_\_ (Def. Initials) In all domestic violence cases and any case where defendant is subject to an Order of Protection or Restraining Order, defendant signed and was provided a document explaining that entering the grounds or property of a domestic violence shelter in which the person's household member resides constitutes an additional misdemeanor charge and, if in possession of a dangerous weapon, an additional felony charge.
- 7. If the charges that have been brought against you are discharged, dismissed, or nolle prossed or if you are found not guilty, you may have your record expunged.
- 8. Defendant is required to keep court notified of any change of address until final disposition of charge(s).

Appearance or  
Hearing Date: \_\_\_\_\_

\_\_\_\_\_  
Judge's Signature

\_\_\_\_\_  
Defendant's Signature

Defendant refused to sign.