

FAQ - Preliminary Hearing Overview

Preliminary Hearings (Non-Indictment Felonies)

Many cases in Maricopa County are set for preliminary hearing. The preliminary hearing is a court hearing before a court commissioner in the Regional Court Center (RCC). You usually will meet the lawyer assigned to your case for the first time during this proceeding. The prosecutor can present witnesses and evidence at the hearing. The commissioner's job is to decide if there is enough evidence to show two things:

1. That the crime charged occurred
2. That you probably are the person who committed the crime

Commissioner Review

If the commissioner finds that there is not sufficient evidence to believe that the crime occurred or to demonstrate that you probably were the person who committed the crime, the case will be dismissed. If the commissioner is convinced that there is sufficient evidence to believe those two points, your case will be set for an Initial Pretrial Conference (IPTC).

Scratched / Vacated Hearings

Occasionally, preliminary hearings are "scratched" or "vacated." This may mean that the formal charges were not filed or that the prosecutor has chosen to take the case to the grand jury. The charges may be re-filed.

Be sure to provide any address changes to the post office so mail from the court about your charges will reach you. If you do not, you may be arrested when the charges are re-filed.

Plea Agreements

You may waive the preliminary hearing if you, your attorney, and the prosecutor reach a plea agreement. Typically, prosecutors offer plea agreements that provide a better sentence than you would obtain if you choose to go to trial and lose. If you accept the prosecutor's offer, you give up your right to a preliminary hearing and a trial and, instead, enter into the plea agreement at the RCC that same day. Your sentencing date will be scheduled approximately one month from the date upon which you enter into the plea agreement.