



A First-Timer's Guide to Massachusetts Criminal Court

What You Need to Know Before Your Next Court Date

We get you through the storm, safely.

Greater Boston • Eastern Massachusetts

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Introduction

If you have never been charged with a crime before, the whole system can feel like it is speaking a different language. You get a date to show up, and nobody quite explains what that date is for. You wait. Weeks pass. Your lawyer calls with an update that does not sound like much of an update. You go back to court, and it is over in ten minutes.

None of that means something is wrong. It means the system is doing what it always does, at its own pace, on its own schedule, without much regard for how unsettling that feels to the person living through it.

This guide is not about the law itself. It is about the experience: what to do and not do right now, who you will see in that courtroom, what happens on your first day in the building, what each kind of court date actually is, why the gaps between dates feel so long, what your lawyer is doing during the quiet, and how cases actually end. There is a glossary at the end, because courthouses run on their own vocabulary and almost nobody explains it to you before you need it.

We wrote this because people deserve to understand what they are facing before they make choices that affect the rest of their lives.

What Not to Do Right Now

There is a great deal about this process you cannot control. These things you can, and getting them right matters as much as anything your lawyer does.

- **Do not contact the complaining witness or any other witness.** Not even if they reach out to you first. Not even to apologize or explain. Contact can be used against you, and it can look like intimidation even when that is not what you meant. If there is a no-contact order, contact is a separate criminal offense.
- **Do not talk to the police without your lawyer present.** Not to clear things up, not to give your side. Officers investigating after an arrest are building a case. Say that you want to speak with a lawyer, and then stop talking.
- **Do not talk to the prosecutor directly.** Every conversation about your case goes through your attorney.
- **Do not consent to a search** of your phone, your car, or your home unless your lawyer has told you to. You can decline unless the police have a warrant.

- **Do not delete anything.** No texts, photos, emails, voicemails, or social media posts connected to what happened. Deleting evidence is not just a bad look; in Massachusetts it can become its own separate criminal charge on top of the one you already have.
- **Do not post about your case,** and think carefully about what you post at all while a case is open. Prosecutors look.
- **Do not discuss your case with anyone but your lawyer.** Not friends, not family, not anyone in a holding cell, and never on a phone call from a police station or a jail. Those calls are recorded and nothing said on them is private.
- **Do not miss a court date,** even one that seems minor. Missing court can produce a default warrant for your arrest on top of your original case.
- **Do not violate a condition of your release,** even one that seems small or unfair. A violation becomes its own problem.

None of this is about hiding anything. It is about making sure your case is decided on the facts rather than on a mistake made in a moment of fear.

Who's Who in the Courtroom

Walk into any Massachusetts criminal courtroom and you will see the same cast, whatever the charge. Knowing what each person does, and does not do, makes the room far less disorienting.

The judge. The judge runs the courtroom and decides legal questions: bail, motions, and ultimately the sentence if there is a conviction. In a jury trial the judge decides the law and the jury decides the facts. In a bench trial the judge decides both. Outside of trial, most of what a judge does is procedural.

The prosecutor. In Massachusetts district and superior courts the prosecutor is an Assistant District Attorney, or ADA. The ADA represents the Commonwealth, not the complaining witness personally. Each county elects one District Attorney, who employs the assistants who actually appear in court. The ADA decides what to charge, whether to offer a resolution, and whether to try the case. Your attorney negotiates with the ADA, usually over months, and usually outside the courtroom entirely.

The probation officer. Probation plays a larger role than most first timers expect, and it starts before you ever see the judge. See the next section.

The clerk. The courtroom clerk keeps the official record of what happens: calling cases in order, reading charges aloud, swearing in witnesses. The clerk does not decide guilt or set your

sentence.

The court officer. Uniformed, in a white shirt, responsible for order in the courtroom. A court officer will also tell you where to stand and can help you find the right room.

The court reporter, or the recording. In Superior Court a court reporter may take down everything said. In District Court the proceedings are tape-recorded instead. Either way, there is a record, and only one person can speak at a time.

Your own attorney. Everyone above has a role defined by the court. Your attorney's job is different: to represent only you. That means reviewing the evidence, negotiating with the ADA, filing and arguing motions, preparing you for each date, and working toward the outcome that is best for you specifically, not for the court's convenience or anyone else's timeline.

Your First Day in Court, Step by Step

This is the part almost nobody explains, and it is the part first timers ask about most.

Arrive early, earlier than you think you need to. Courthouse doors typically open around 8:30 in the morning and criminal sessions often begin around 9:00. Parking is frequently difficult if you arrive close to the hour. Plan on being in the building for several hours even though your time in front of the judge will likely be a few minutes.

Leave weapons at home. They are not permitted in the courthouse. Phones are often restricted, and some courthouses do not allow them inside at all. If yours is allowed in, turn it off.

Dress as though you are going to a job interview. There is no formal dress code, but the Trial Court's own guidance asks people to treat the courtroom as a formal environment, and specifically discourages shorts, hats, flip flops, ripped jeans, clothing that exposes the midriff or underwear, and anything with wording or images promoting violence, drugs, sex, or profanity. A collared shirt, slacks, and closed-toe shoes are never wrong.

Go to the probation office first. This is required, it comes before the courtroom, and it surprises people. Find the District Court probation office, or the Superior Court probation office if your case is in Superior Court. The name of the court will be on the paperwork you received after your arrest or in the mail. If you have lost the paperwork, many courthouses have an information desk with the day's list, or you can ask at the criminal clerk's office.

What happens at probation intake. The probation officer conducts an interview. It covers basic identifying information, and it also covers your finances, because probation calculates whether you qualify for a court-appointed lawyer. Only a judge can actually appoint one, but probation

does the screening. Probation also runs a check in a database called CARI, for Court Activity Record Information, which shows your court history. That information goes into the courtroom for the judge and the ADA, and it is how the court learns whether you have any record at all. For a first timer, having no record is a meaningful fact, and this is the moment it gets established.

Then go to the courtroom. Ask the probation officer which courtroom and how to get there. Sit near the front, but be aware the first row may be reserved for people in custody.

Listen hard for your name. It may be mispronounced. When it is called, say "Present" loudly and clearly. **If your name is called and you do not answer, it is treated exactly the same as not being there**, which can mean a default warrant. If the list runs through and your name is never called, tell the person calling names or a court officer at the first break; you may be in the wrong courtroom. If you arrive late, stay in the courtroom rather than leaving, and tell a court officer at the next recess.

How to speak, if you speak. Address the judge as "Your Honor." Speak to the judge, not to the other side. Do not argue with or interrupt anyone. Most of the time at arraignment your attorney does the talking and you say very little.

What court staff can and cannot do for you. Clerks and other court staff can explain how the court works, tell you what the court requires, give you some information from your file, help you understand a form, and answer most questions about deadlines. They cannot give you legal advice, tell you what will happen in your case, recommend a lawyer, speak to the judge for you, or change a judge's order. Only your own lawyer can advise you.

Docket call is slow and impersonal. Names come in whatever order the clerk works through the list. It says nothing about how your case is going. It is simply how a room full of unrelated cases gets processed in one morning.

In the hallway, the same rules apply. No case talk with the other side, with witnesses, or with other defendants. Courthouse hallways are public and you never know who is within earshot.

Bail and Conditions of Release

At arraignment the judge decides the terms on which you go home. For most first timers with no record and no allegation of violence, that means release on personal recognizance: your promise to come back, with no money required.

The purpose of bail in Massachusetts is to make sure you return to court. It is not punishment, and it is not a judgment about guilt. In deciding, a judge looks at the charge, any prior record, your ties to the community, whether you are working, and whether you have ever missed a

court date before.

If bail is set, you are taken into custody right then. This is the part that shocks people most, and it is the reason to read this section before your first date rather than after. You will not be permitted to leave the courthouse to go to the bank, withdraw money, and come back to post your own bail. Somebody else has to bring the funds. If you think there is any realistic chance of bail being set in your case, talk to your attorney beforehand about who that person would be and whether they can move quickly.

Massachusetts has no commercial bail bondsmen. In most other states a bondsman posts the amount for a percentage. Not here. The full amount has to be paid, and this surprises nearly every family that goes through it.

Where it gets paid, and in what form, depends on where you are:

- **At the courthouse clerk's office:** bank check only. Courts do not take cash. Call ahead and ask how they want the check made out.
- **At a police station, to a bail magistrate:** cash, bank check, cashier's check, or money order.
- **At the jail or house of correction:** it varies by facility, so call first. Some take cash up to a limit, others require a cashier's check. The jail also has to call a bail commissioner out to accept the money, and that can take hours.
- **Personal checks and credit cards are not accepted anywhere.**

Whoever brings the money needs a valid photo ID, your full legal name and date of birth, the booking or docket number, and the exact amount.

You will not sit at the courthouse waiting for the money to arrive. This catches families off guard. Once bail is set and you are in custody, you are held at the courthouse only until the sheriff's department comes through to collect detainees, and then you are transported to the jail. Whether bail gets posted at the clerk's office or at the jail simply depends on how long it takes to get the funds to the right place. If the money arrives after transport, it gets posted at the jail instead.

Release takes time even after payment. Usually one to four hours, depending on the facility. Police stations tend to be quicker. County jails take longer, and weekends and holidays add delay.

The person who posts the money is the surety, and is the only person who can get it back at the end of the case. That return is not automatic; it has to be requested from the court, with the original receipt, after the case is fully resolved. Keep the receipt somewhere safe.

If the amount is more than you can pay, your attorney can ask for a bail reduction hearing, and can appeal to the Superior Court if the district court says no. Neither is instant. Expect at least a couple of days.

Conditions of release come with almost every case, whether or not money is involved. Common ones include staying away from and having no contact with a particular person, no firearms, a curfew, GPS monitoring, surrendering a passport, checking in with probation, abstaining from alcohol or drugs, and committing no new offenses. Two things to understand. They take effect immediately and last as long as the case is open, which can be many months. And violating one is a separate problem that can land you back before a judge and can result in your being held. If a condition is going to be impossible for you to live with, raise it with your attorney immediately rather than quietly breaking it.

In a small number of cases the Commonwealth moves for a dangerousness hearing and asks that a person be held without bail at all. This is uncommon in first-time cases, but it exists, and it is one more reason the arraignment date matters far more than its length suggests.

If any of this is unfolding right now, our fuller walkthrough of the payment process is at [How to Post Bail in Massachusetts](#).

The Different Kinds of Court Dates

Most first timers assume every court date is the same: show up, something happens, leave. Each one has a specific purpose, and knowing which kind you are walking into changes what to expect.

Arraignment. The first date, usually within a day or two of an arrest, or written on your summons if you were not arrested. Charges are read, a not-guilty plea is entered, the judge sets conditions of release, and the next date is scheduled. Brief in the courtroom, long in the building.

Pretrial conference. Usually the first real working date. Your attorney and the ADA exchange discovery, meaning the evidence: police reports, witness statements, booking video, body-worn camera or surveillance footage. Both sides typically sign a report documenting what has been handed over and what is still outstanding. The first substantive conversation about how the case might resolve often happens here.

Compliance and election. This date checks two things: whether the discovery that was promised has actually arrived, and whether you want your case decided by a judge or a jury. In Massachusetts district courts these are frequently combined into a single date, called a C and

E.

More dates than you expect. It is entirely normal for a case to have several pretrial and compliance dates in a row rather than one of each. If discovery is incomplete, if a motion needs to be argued, or if negotiations are still moving, the court simply schedules another date. Multiple dates are not a sign of a problem. For many first timers this is just what a case looks like.

Motion hearings. If your attorney files a motion, for instance to suppress evidence obtained improperly or to dismiss the complaint, the court sets a separate hearing to argue it. An officer often testifies and is cross-examined. Not every case has one. In many cases, this is where the most important work happens, because a successful motion can end the case outright or change what the prosecutor is willing to do.

Final pretrial conference and trial date. If the case does not resolve, the court eventually sets a firm trial date, sometimes preceded by a last conference confirming both sides are ready.

Disposition or sentencing date. Where an agreed outcome is formally entered, or where a sentence is imposed after a conviction or plea.

How Cases Actually End

First timers usually imagine two endings, guilty or not guilty at a trial. Most cases end some other way, and it helps to know the range before anyone asks you to make a decision.

Dismissal. The charge goes away. This can happen because a motion succeeded, because the Commonwealth cannot prove the case, or because the prosecutor agrees to dismiss, sometimes on conditions.

Continuance without a finding, or CWO. You acknowledge that the facts would be sufficient to support a guilty finding, but the court does not enter a conviction. Instead the case is continued for a period of probation. Complete it successfully and the charge is dismissed. A CWO is not a conviction under Massachusetts criminal law, which is why it matters so much to people with professional licenses, immigration concerns, or a clean record to protect. It is not available in every kind of case, and it is not automatically on offer.

A guilty plea. An admission, with an agreed or argued sentence, which may be probation, a fine, or incarceration.

Trial. A bench trial before a judge, or a jury trial. A district court jury is six people. If a case is indicted and moves to Superior Court, the jury is twelve. Either way the Commonwealth must

prove every element beyond a reasonable doubt, and you do not have to prove anything or testify at all.

Which of these is realistic depends entirely on the facts of your case, your record, the court, and the prosecutor. Anyone who tells you the answer before reading the discovery is guessing.

Why Everything Seems to Take So Long

If there is one thing nobody explains ahead of time, it is that court time does not move at the speed of the rest of your life.

Weeks pass between dates. You call your attorney and the honest answer is often that we are still waiting on the DA's office, or that there is nothing new yet. That is close to unbearable when it is your future on the line and everyone else appears unhurried.

This is normal. It is not a sign that your case is falling through the cracks and it is not a sign that your attorney has stopped working. Prosecutors' offices carry enormous caseloads. Discovery takes time to gather and review. Court calendars are booked weeks or months out. A date getting pushed because of a scheduling conflict, a missing report, or a judge's calendar happens in nearly every case, including cases with no problems at all.

There is also a trade-off worth naming. Going to trial before you have all the discovery and all the investigation you need is just another way of pleading guilty. The pace is what gives your attorney time to obtain and study the evidence.

As a rule of thumb, court dates run about 30 to 45 days apart. That varies with the court, the session, and what still needs to happen in your case, but it is the honest shape of it.

Arraignment, then a pretrial conference roughly a month or six weeks later, then one or more compliance and election dates at similar intervals while discovery is finalized and discussions continue, then either a resolution or a trial date.

Do the arithmetic and you can see why a case takes the better part of a year even when nothing goes wrong. Four or five dates at 30 to 45 days each is most of a calendar year on its own. That is not a case in trouble. That is a case moving normally.

What Your Lawyer Is Doing Between Court Dates

- **Reviewing discovery.** Reading police reports, watching footage, checking for inconsistencies and for issues that could matter to your defense.
- **Investigating.** Tracking down witnesses, records, and evidence that supports your account.

- **Researching and drafting.** Legal research and motion writing that never happens in front of you but shapes what gets argued at your next hearing.
- **Talking to the ADA.** Most negotiation happens by phone and email rather than in a courtroom, and these conversations can take weeks to land anywhere.
- **Preparing you.** Making sure you know what to expect and what is expected of you at the next date.

If you have not heard from your attorney in a few weeks, it usually means there is nothing new to report. It does not mean nothing is being done, and it does not mean you have been forgotten. It is always reasonable to call and ask for a status update.

Beyond the Courtroom

A criminal case reaches past the courtroom, and the ripple effects can last longer than the case itself. None of this is meant to overwhelm you. It is meant to let you see the whole picture while there is still time to plan around it.

A record entry is created at arraignment. Once you are arraigned, the charge appears on your CORI, your Criminal Offender Record Information, whether or not you are ever convicted. That is separate from the CARI check probation runs inside the courthouse. There are rules about who can see what on a CORI and, down the road, ways to address it. Those are conversations for later in your case, not for today.

Employment. Some employers, particularly in driving, security, childcare, and licensed professions, ask directly about pending charges or convictions, separate from any formal background check.

Professional licenses. If you hold a license in nursing, medicine, law, teaching, real estate, or many other fields, a charge can trigger a separate reporting obligation or review by your licensing board, sometimes regardless of how the criminal case turns out.

Immigration. For non-citizens, the consequences of a criminal case can be severe and do not track the criminal law neatly. A disposition that is not a conviction in Massachusetts may still count as one for immigration purposes. If this applies to you, it needs to be raised with your attorney immediately, before any decision is made about how to resolve the case.

School. For students, a pending charge can trigger a separate disciplinary process with its own rules and its own timeline, running alongside the criminal case.

Housing and insurance. Landlords may run CORI checks. Some charges affect insurance rates.

Why the Right Lawyer Matters

Being accused and prosecuted is traumatic. We understand that. The trauma has real effects, and we understand those as well: on memory, on decision-making, on a person's ability to sit in a room and explain what happened. It is easy for lawyers to compound the trauma their clients are experiencing, and ignorance of how trauma works will hamper a defense.

We are trauma trained and trauma informed, and that informs everything we do: every interaction, every conversation, every decision about how and when to ask a client a hard question. We call our clients our people, and we treat our people with dignity, compassion, and understanding.

For someone who has never been through this before, that matters in a specific way. You are being asked to make consequential decisions about your own life while frightened, on a timeline you did not choose, in a system whose vocabulary you do not speak. What you need is not only someone who knows the law, but someone who will explain it to you as many times as you need to hear it, and who understands why you might not absorb it the first time.

Glossary of Courthouse Terms

ADA (Assistant District Attorney) — The prosecutor assigned to your case, representing the Commonwealth of Massachusetts.

Allocution — Your right to address the judge personally before sentencing, separate from anything your attorney argues for you.

Arraignment — The first formal court date, where charges are read and a plea is entered.

Bail — Money or conditions set by the court to help ensure you return for future court dates.

CARI (Court Activity Record Information) — The court's internal database of court activity, checked by probation at your first appearance.

Complaint — The formal document listing the charges against you.

Compliance and Election (C and E) — The court date where discovery completion is confirmed and you choose between a jury trial and a bench trial.

Conditions of release — Rules you must follow while your case is open, set by the judge at arraignment.

Continuance — A postponement of a court date.

CORI (Criminal Offender Record Information) — Your Massachusetts criminal record. An entry is created when you are arraigned.

Court officer — The uniformed officer, in a white shirt, responsible for order in the courtroom.

CWOF (Continuance Without a Finding) — A disposition where you acknowledge the facts would support a guilty finding but no conviction enters, usually followed by probation, after which the charge is dismissed.

Dangerousness Hearing — A separate hearing where the prosecution argues you should be held without bail as a danger to the community.

Default warrant — A warrant for your arrest issued when you fail to appear for a court date.

Discovery — The evidence the prosecution must share with your attorney.

Disposition — However a case concludes: a plea, a CWOF, a dismissal, or a verdict.

Docket — The list of cases scheduled to be heard on a given day.

Not guilty plea — The plea almost always entered at arraignment, regardless of the facts, to preserve every option.

Personal recognizance — Release based on your promise to return to court, with no money required.

Pretrial Conference (PTC) — The first working court date after arraignment, where discovery is exchanged.

Probation — The department that screens you before arraignment, checks your record, and supervises anyone sentenced to probation.

Sentencing — The court date where penalties are formally imposed after a conviction or plea.

Frequently Asked Questions

Will this be on my record even if I am not convicted?

A CORI entry is created when you are arraigned, before anything has been decided. There are rules about who can access it, and there are steps that can be taken about it once your case is resolved. Ask your attorney about your particular situation rather than assuming the worst.

Why does my case keep getting continued to another date?

This is normal and not a sign of a problem. Prosecutors carry enormous caseloads, discovery takes time to gather and review, and court calendars are booked weeks or months ahead. Several pretrial and compliance dates in a row is simply how a typical case moves.

What is the difference between a pretrial conference and a compliance and election date?

A pretrial conference is usually the first working date after arraignment, where your attorney and the prosecutor exchange discovery. A compliance and election date confirms that the discovery actually arrived and has you choose between a jury trial and a bench trial. In district court these are often combined into one date.

Do I have to answer police questions after an arrest?

No. Do not talk to police without your lawyer present, even to clear things up. Say that you want to speak with a lawyer, and then stop talking.

What should I bring, and where do I go first?

Bring the paperwork you received after your arrest or in the mail, since it names the court. Leave weapons at home. Go to the probation office before the courtroom; that check-in is required and comes first.

Am I going to jail?

For most first timers facing a first charge, with no record and no allegation of serious injury, incarceration is not the likely outcome. But that depends entirely on the charge and the facts, and nobody can responsibly answer this question for your case without reading the discovery.

How long will this take?

Longer than you want. Court dates generally run about 30 to 45 days apart, so a case with four or five dates takes most of a year, and that is a case moving normally rather than a case in trouble.

What happens if the judge sets bail and I do not have the money with me?

You are taken into custody immediately, and you will not be allowed to leave to go get it. Someone else has to bring the funds. You will be held at the courthouse only until the sheriff's department collects detainees, then transported to the jail, where bail can still be posted. Massachusetts has no bail bondsmen, so the full amount has to be paid.

Where This Comes From

The procedural descriptions in this guide draw on the Massachusetts Trial Court's own published guidance for people appearing in criminal court, on the Massachusetts General

Laws, and on our own experience in the district courts of Greater Boston and Eastern Massachusetts. Where a point reflects how a particular court actually operates rather than what a statute requires, we have said so.

- Massachusetts Trial Court, *What to expect at your arraignment or first court appearance*
- Massachusetts Trial Court, *Understanding the criminal court process*
- Massachusetts Trial Court, *The bail process*

You Don't Have to Go Through This Alone

A criminal accusation is a storm crashing through your life: your freedom, your family, your career, your future.

You don't have to navigate it alone, and you don't have to figure it out as you go. We understand that good people sometimes face great challenges, and we treat every person we represent as exactly that: a good person going through the hardest time of their life. We view each client not as a set of legal problems, but as a whole individual living a unique and valued life. That is what we call Comprehensive Criminal Defense.

We are powerful in the courthouse and supportive outside of it, here to help you right the ship and continue your voyage.

We get you through the storm, safely.

If you are facing a criminal charge for the first time, the most important thing you can do right now is talk to someone who can walk you through exactly what to expect.

We offer a free consultation for people with pending charges, and our phones are answered 24/7 by a real person. We serve clients throughout Greater Boston and Eastern Massachusetts.

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About the Author



Ernest Stone has been defending people in Massachusetts criminal courts for over 30 years. He started his career in 1996 with one goal: to stand up for regular people facing the power of the government. Ernie practices criminal defense exclusively. He has handled cases in District Court, Superior Court, the Massachusetts Appeals Court, the Supreme Judicial Court, and the Federal Courts. His practice focuses on sexual assault, domestic violence, OUI, and cases involving mental health, the kinds of cases where the stakes are highest and where people need someone truly in their corner.

The people he represents are good people who have had a really bad day, sometimes the worst day of their lives. He believes that everyone deserves the highest quality legal defense, no matter what they are accused of. And he believes that a criminal case is an opportunity to do more than just fight the charges. His goal is to help people make lasting positive changes in their lives: to address what brought them into the system in the first place, and to come out the other side in a better place than where they started.

Ernie practices in Beverly, Massachusetts, and serves clients throughout Greater Boston and Eastern Massachusetts.