

CPL ARTICLE 120: WARRANT OF ARREST.

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A "Warrant of Arrest" is issued only in Local Criminal Courts, and solely for the purpose of arraigning the defendant on a instrument.

Warrants must be subscribed by a judge; and have the name of court, date of issuance, offense charged, defendant's name (or alternatively a description). Warrants must be addressed to a specific police/peace officer, or agency class; and specifically direct that the defendant be brought to court. Multiple copies of the same warrant may issue.

When an instrument is filed - except NOT a Simplified Information - the Court **may** dismiss the case if it appears facially insufficient. The Court shall not issue a warrant if a summons would be effective. The Court may also refuse to issue a warrant if there is no "reasonable cause to believe" the defendant committed the crime.

If the District Attorney so requests, the Court may allow them to notice the defendant.

Warrants can only issue from the court where the case was filed, and must be returnable there as well. If a Village court be unavailable however, it may be sought in the Town court encompassing that jurisdiction. If Town court unavailable, with an adjoining Town in the same county.

Warrants shall be directed to the police agency of the same "geographic area" as either the issuing court, or where the offense occurred.

Warrants may be addressed to parole/probation officer if the defendant is already under supervision by such entity.

City/Town/Village warrants may only be enforced in the same or adjoining county. However such warrants may be "endorsed" by a local criminal court where defendant is, and then executed.

Warrants issued by District Court, NYC Criminal Court, or a Superior Court judge sitting locally may be executed anywhere in the State. Such warrants not requiring endorsement can also then be "delegated" by the addressee to another agency in a locale where the defendant might reasonably be located. Addressee need only send notice by mail or telecommunications of the warrant details, which then constitute authority and responsibility to execute.

Warrants may be executed any hour of any day. Officers can use force, including entering or breaking into premises; if 3rd party premises, must first notice unless risk of escape/damage/danger. Unless defendant is resisting, officer must inform him of the

warrant; also show it upon request if in possession, otherwise at earliest opportunity.

If defendant is arrested on a warrant in the same or adjoining county as the issuing court - or anywhere in the state without a warrant for a felony commission - he must be returned to the issuing court. Addressee must bring the defendant; if the warrant had been delegated however, the delegate brings the defendant to the addressee, and the addressee to court.

However if the defendant was arrested in another county for a non-felony offense by a delegate, he can be held for up to 2 hours to be remanded to the addressee. After such time either the addressee - or the delegate if still in such custody - must inform defendant of the right to appear before the local court. Any waiver must be in writing, in which case defendant is transported by the addressee to the issuing court (or by delegate to addressee, so as to be returned to court).

Local court must either release the defendant on his own recognizance, or set bail. If defendant cannot make bail, must then be transported to issuing court as above.

Issuing Court can exercise the option of attaching the instrument to the warrant, so as the defendant may be arraigned in another court in certain circumstances as below.

If Village court issued warrant, and is available - provided that the instrument is attached - defendant is brought before the Town court encompassing such village, or another village court of that same town. If town court is unavailable, then to one of its village courts, or else an adjoining Town/City court within the same county.

Defendant shall be fingerprinted when arrested. If defendant was arrested and released by another court before printing, then the arraigning court shall direct fingerprinting.

If a juvenile is arrested; parents or person legally responsible must be notified of which facility he's at.