

TITLE 6: CRIMES AND CRIMINAL PROCEDURE
DIVISION 6: CRIMINAL PROCEDURE

§ 6303. Pretrial Procedure.

(a) If the arrested person does not waive preliminary examination, the official shall hear the evidence within a reasonable time.

(b) A reasonable continuance shall be granted at the request of the arrested person or the prosecution to permit preparation of evidence. The arrested person has the right to be released on bail as provided by law during the period of a continuance.

(c) The arrested person may cross-examine adverse witnesses and may introduce evidence in his or her own behalf.

(d) If the arrested person waives preliminary examination, or if from the evidence it appears to the official that there is probable cause to believe that a criminal offense has been committed and that the arrested person committed it, the official shall forthwith:

(1) Hold the arrested person to answer in court;

(2) Fix, continue, or alter the bail as provided by law; and

(3) If bail is not provided, or a personal recognizance accepted, commit the person to jail to await trial.

(e) If during the preliminary examination it appears to the official that the warrant of arrest, complaint or other statements of the charge or charges does not properly name or describe the person arrested or that although not guilty of the offense specified there is probable cause to believe the person arrested has committed some other offense, the official may not discharge the person but shall forthwith hold the person to answer for the offense shown by the evidence.

(f) If the arrested person does not waive preliminary examination and from the evidence it does not appear to the official that there is probable cause to believe that a criminal offense has been committed and that the arrested person committed it, the official shall discharge the arrested person.

Source: 12 TTC § 204.