Steps to Exercise Direct Criminal Contempt in a Summary Proceeding

Act Occurs

- Interruption of the proceeding
- Disrespectful action during court
- Witness refusal to be sworn or answer a question

Warning

- "Mr./Mrs. _____, [state behavior] is improper and must stop.
- Warning unless "willfully contemptuous," then no warning needed go directly to notice and opportunity to respond

Act Occurs Again

- Was it within my sight or hearing?
- Was it in or immediate proximity to the courtroom?
- Was it likely to interrupt or interference matters before me?

Notice + Opportunity to Respond

- Must respond substantially contemporaneous with the act
- "Mr./Mrs. _____, I am notifying you that you are charged with criminal contempt because you [state behavior]. Do you have anything to say in response before the court takes further action?"

Announce and Enter Order for Contempt

- AOC CR 390: Findings of Fact (including willfulness)
- Beyond a reasonable doubt
- Punishment: \$500, censure, up to 30 days in jail
- Inform D may appeal order to superior court