

**KENTUCKY BAR ASSOCIATION
KENTUCKY RULES OF CRIMINAL PROCEDURE**

INITIAL APPEARANCE AND PRELIMINARY HEARING BEFORE DISTRICT COURT

RCr 3.14 Probable cause finding

(1) If the defendant waives the preliminary hearing or if from the evidence it appears to the judge that there is probable cause to believe that an offense required to be prosecuted by indictment pursuant to Section 12 of the Kentucky Constitution has been committed and that the defendant committed it, the judge shall hold the defendant to answer in the circuit court and commit the defendant to jail, release the defendant on personal recognizance or admit the defendant to bail if the offense is bailable; otherwise the defendant shall be discharged.

(2) The finding of probable cause may be based upon hearsay evidence in whole or in part. The defendant may cross-examine witnesses against him or her and may introduce evidence in his or her own behalf.

(3) Objections to evidence on the ground that it was acquired by unlawful means are not properly made at the preliminary hearing. Motions to suppress must be made to the trial court as provided in Rule 9.78.

HISTORY: Amended by Order 98-3, eff. 3-1-99; prior amendments eff. 9-1-81 (Order 81-5), 6-19-76; adopted eff. 1-1-63