

## NOTICE TO ALL DEFENDANTS

You have been charged with (accused of) commission of a crime. If you are convicted, you may be fined (required to pay money to the court), or sentenced to jail (required to spend time in jail), or both. In certain cases, your Driver's license or your hunting or fishing license may be suspended (taken away from you).

Your case has been scheduled for ARRAIGNMENT. At ARRAIGNMENT you will be told the nature of the charge, and the possible penalties if you are convicted, and you will be advised of certain constitutional rights and guarantees of due process (rights to a fair trial or hearing). The proceedings when you are told those things is called an ARRAIGNMENT.

When your case is called, please come forward and stand in front of the Judge. The Judge will question you to make sure that:

1. the court has your correct name and address;
2. you understand the charge against you.
3. you understand the maximum penalty if you are convicted.
4. you have read your rights and guarantees as a criminal defendant.

The Judge will then ask you if you want to talk to a lawyer before the case proceeds further, or before trial is held. If you do not want to talk to a lawyer, the Judge will ask you if you are ready to plead (admit or deny that you committed the crime charged).

If you please **NOT GUILTY** (deny you committed the crime), the case will be continued (postponed) for trial.

If you plead **GUILTY**, you will be asked to fill out a guilty plea form, and you can be found guilty and sentenced today.

### **YOUR CONSTITUTIONAL AND OTHER RIGHTS OF FAIR TRIAL INCLUDE:**

1. You may be present whenever your case is being heard.
2. You may have a lawyer represent (help) and advise you.
3. If you want to have a lawyer help or advise you but cannot afford to hire one, one can be appointed to represent you at public expense if your offense is punishable by a jail sentence.
4. You may have a reasonable amount of time to get advice from a lawyer and otherwise prepare for trial or other court hearings in this case.
5. You must have a speedy trial (within 60 days if you are held in jail pending trial, or within 90 days if you are released pending trial).

6. You are presumed to be innocent unless you are proved beyond a reasonable doubt to be guilty.
7. You may cross-examine any witness who testifies against you.
8. You may have subpoenas (court orders) issued at no expense to you to require witnesses to appear at trial to testify for you.
9. You may testify or make statements on your own behalf, but any such statements may be used against you, if they hurt your case.
10. You may remain silent, (refuse or decline to testify or make any statements), and such refusal cannot be used as evidence that you have committed the crime with which you are charged.
11. You may have a jury trial, and all of the jurors must agree on a verdict (a decision whether you are guilty or not guilty) before the case can be completed.
12. You may appeal any decision made by the trial court or jury.
13. By pleading “guilty” you waive the right to a trial and may not hereafter appeal the question of your guilt.
14. If you are not a citizen of the United States, you have the right to contact the consular representative of your country located here in the United States, as provided in the Vienna Convention of 1963.

**REMEMBER, IF YOU DENY THAT YOU COMMITTED THE OFFENSE CHARGED, (OR CLAIM ANY OTHER DEFENSE OF THE CHARGE) YOUR CASE CANNOT BE HEARD TODAY, AND YOUR CASE MUST BE CONTINUED (POSTPONED) TO ANOTHER DATE FOR TRIAL OR OTHER HEARING.**

Certain kinds of cases can be processed without trial. For these cases, instead of having a hearing, you can choose to “forfeit bail.” By this procedure, you do not have to admit guilt, but you will agree to pay the amount designated as “BAIL,” and forfeit (let the Court keep) the bail. This is called “posting and forfeiting bail.” This signifies that you are willing to pay the bail amount as a penalty for the offense without admitting guilt. A record the bail forfeiture may, however, be made a part of your driving or other record and may serve as basis for increasing penalties for repeated violations.

If you wish to use this procedure, when your case is called, come forward and tell the Judge you wish to post and forfeit bail. If you use this procedure, you will not have a hearing, and your case will be completed when you have paid the bail and it is forfeited. **THE COURT WILL NOT DEVIATE FROM THE ESTABLISHED BAIL SCHEDULE FOR YOUR OFFENSE, SO PLEASE DO NOT ASK TO HAVE THE BAIL AMOUNT REQUIRED “LOWERED.”**

Not all cases can be completed by the “bail forfeiture” procedure. Only two categories of cases qualify for this procedure. They are listed below:

1. **NON-MANDATORY CASES.** For this type of case, the bail amount will ordinarily have been written in the space on the citation (ticket) form called “penalty bail.” If your citation shows a dollar amount, you can pay the

amount to the clerk under the procedure outlined above, and you will not have to appear further on the case and the case will be completed.

2. **MANDATORY CASES.** Even though the term “MANDATORY” has been written on your citation, certain types of cases may be resolved using the “bail forfeiture” procedure outlined above, if this is your first charge of the type listed. Bail forfeiture for these cases will only be allowed if you meet certain other requirements. This type of case and the bail and additional requirements are:

	<u>TYPE OF CHARGE</u>	<u>BAIL</u>	<u>ADDITIONAL REQUIREMENTS</u>
1.	Driving without driver’s license	\$100.00	Show proof of license
2.	Driving while license suspended]		[Show proof of driver’s license reinstatement
	<u>solely because of failure to ]</u>	\$150.00	[
	<u>pay traffic tickets ]</u>		[

There may be certain other “Mandatory” charges where a “post and forfeit” may be allowed, with the consent of the Prosecuting Attorney’s Office. If you wish to discuss this possibility with a Deputy Prosecuting Attorney, you will be referred to one.

If you need time to post the bail and/or comply with licensing requirements, the Court can grant you reasonable additional time to do so.

**SPECIAL NOTE:** IF A WARRANT HAS BEEN ISSUED ON ANY CHARGE BECAUSE YOU FAILED TO APPEAR AS ORIGINALLY SCHEDULED, THE STANDARD BAIL AMOUNT WILL BE INCREASED \$25.00 FOR THE FIRST WARRANT AND \$50.00 FOR EACH SUBSEQUENT WARRANT ISSUED.

**IN NO CASE ARE YOU REQUIRED TO USE THE “POST AND FORFEIT” PROCEDURE, YOU MAY ALWAYS HAVE A HEARING ON THE CHARGE ON A PLEA OF EITHER “GUILTY” OR “NOT GUILTY.”** If such a hearing is held, and if you are convicted, the Court will sentence you without regard to the established bail amount, and amount of penalty assessed following such hearing may be more or may be less than the established bail amount.