



# SUPERIOR COURT OF CALIFORNIA, COUNTY OF KERN

## TRAFFIC ADVISAL/WAIVER OF CONSTITUTIONAL RIGHTS FOR PLEA BY MAIL

People of the State of California vs.

Case (Citation) No.:

Due Date:

You have been charged with the following violation(s):

1. You have the right to be present in court, either personally or as represented by counsel, at the time you are advised of your rights, enter a plea, and are sentenced. You must enter one of three pleas: not guilty, no contest, or guilty. A no contest plea cannot be used against you in a civil case.
2. You have the following constitutional rights:
  - a. The right to a speedy and public trial; a speedy trial shall be held within 45 days of your arraignment or not guilty plea;
  - b. The right to remain silent, to not testify, and to not incriminate yourself;
  - c. The right to confront and cross-examine all witnesses against you;
  - d. The right at the trial to present evidence in your favor which includes the right to have witnesses subpoenaed to testify on your behalf and to obtain all evidence that may exonerate you; and
  - e. The right in misdemeanor cases to be tried by a jury of twelve people.
3. You have the right to hire and have an attorney defend you at all stages of the proceedings. You are not entitled to a Court-appointed attorney in an infraction-only case. If your case involves a misdemeanor and you cannot afford an attorney, the court will appoint an attorney to represent you.
4. You have the right to be sentenced no sooner than six hours and no later than five days after a guilty or no contest plea, or a verdict.
5. You have the right to have a trial before a judge (misdemeanor cases in which right to trial by jury is waived) or court commissioner (infraction cases). If you are charged with a misdemeanor, you hereby agree by signing below that a duly appointed court commissioner may act as a temporary judge and take all pleas, decide all motions, and sentence you in this case.
6. While subject to additional statutory fines and penalties, the basic potential penalties include the following:
  - a. For an infraction, up to \$250 on each first offense, unless otherwise specified by statute;
  - b. You may face a suspension of your driver's license on some offenses, such as speeding;
  - c. The Department of Motor Vehicles will place one or more points on your driving record upon conviction of each "moving" violation;
  - d. For a failure to appear/pay fine, a civil penalty of up to \$100, or an arrest/bench warrant, the addition of new misdemeanor or felony charges, and/or license holds and suspensions.
7. If you plead not guilty, the Court will schedule a Court trial and notify you of the trial date and time. If you fail to appear for trial, the Court may hold the trial without you and find you guilty.
8. You have the right to appeal if you are found guilty at trial. Whether or not you attend trial, you must file your Notice of Appeal with the Clerk's Office within 30 days of the date on which you are found guilty; if you fail to meet this deadline, you will lose the right to appeal.
9. If you plead guilty or no contest, you are giving up your rights, incriminating yourself, and admitting you committed the offense(s). This is a conviction; there will not be a trial. The Court will notify you of the fines/fees due, and of a suspension, if any. The Court will notify you if you are eligible for Traffic Violator School; if so, you must pay an additional fee if you want to attend.
10. If charged with an infraction violation of Pen. Code §§ 193.8, 272(b)(1), 330, 415, 485, 490.1, 490.7, 555, 532b(c), 602(o), 602.13, or 853.7; Bus. & Prof. Code §§ 2052, 2054, 2630, 2903, 3660, 3760, 3761, 4080, 4825, 4935, 4980, 4996, 5536, 6704, 6980.10, 7317, 7502, 7574.10, 7582, 7592, 7520, 7617, 7641, 7872(a), 8016, 8505, 8725, 9681, 9840, 9891.24(c), 19049, 21672, 25658(b), 25661 or 25662; Gov. Code § 27204; or Veh. Code §§ 5201.1, 12500, 14601.1, 23109(c), 27150.1, 40508 or 42005: You have the right to elect to have the case proceed as a misdemeanor and, if you so elect, you would have all the rights and be subject to the potential penalties associated with a misdemeanor prosecution, and you will be ordered to appear in court on a future date. The prosecuting agency may not have reviewed the case before the Citation/Notice to Appear was filed with the court and, if you elect to proceed as a misdemeanor, the prosecuting agency might review your case and add, delete or amend the charges. On misdemeanors, you face up to one year in jail and/or \$1000, unless otherwise specified by statute.
11. If you are not a citizen and are convicted of a misdemeanor it may result in your deportation, exclusion from admission to the United States, denial of citizenship or naturalization pursuant to the laws of the United States, removal from the US, denial of re-entry, or denial of amnesty.

**I certify under penalty of perjury that: (1) I have read and understand the rights and advisals set forth above; and (2) I understand that if I plead guilty or no contest by mail, I waive (give up) all of the rights set forth above; and (3) I understand that as a condition of the Court's acceptance of a not guilty plea by mail, I must waive (give up) my right to a speedy trial.**

I hereby voluntarily waive my rights set forth above and enter a plea of

( ) Guilty ( ) No Contest

( ) Not Guilty

I hereby voluntarily waive my right to a speedy trial and enter a plea of:

Date of Signature: \_\_\_\_\_

Signature of Defendant: \_\_\_\_\_

You must return this form to the Kern County Superior Court address shown above **on or before the Due Date indicated at the top of this form**. If your plea is accepted, a copy of the court order indicating the fine amount and due date will be mailed to you.

The completed form can be dropped off at any of the following court locations. The form may also be submitted by email.

Kern County Superior Court – Traffic Division  
3131 Arrow Street Bakersfield, CA. 93308

Kern County Superior Court – Delano Division  
1122 Jefferson Street  
Delano, CA. 93215

Kern County Superior Court – Ridgecrest Division  
132 East Coso Avenue  
Ridgecrest, CA. 93555

Kern County Superior Court – Taft Division  
311 N. Lincoln Street  
Taft, CA. 93268

Kern County Superior Court – Lamont Division  
12022 Main Street Lamont, CA. 93241

Kern County Superior Court – Shafter Division  
325 Central Valley Highway  
Shafter, CA. 93263

Kern County Superior Court – Mojave Division  
1773 State Highway 58  
Mojave, CA. 93501