

Defendant's Name: _____

Case Number: _____

Traffic Advisement of Rights

Today's hearing is called an arraignment. The Court will inform you of the charge(s) against you, and you will enter a plea in one of three ways: not guilty, no contest, or guilty. You cannot provide evidence or argument today; if you want to do that, then plead not guilty and the Court will schedule a trial.

You are charged with an infraction. Unless otherwise specified by statute, the basic penalty for a first-time infraction is a fine up to \$250.00 plus fees, penalty assessments and surcharges. You also face a suspension of your driver's license on some violations, such as speeding. The Department of Motor Vehicles will place one or more points on your record upon conviction of any "moving" violation.

You have certain constitutional and statutory rights:

- The right to a public and speedy trial held within 45 days of the arraignment or not guilty plea
- The right to a court trial for infractions; you do not have a right to a jury trial for an infraction
- The right to a trial before a court commissioner for infractions; you do not have the right to a trial before a judge
- The right at trial to confront and cross-examine all witnesses against you
- The right at trial to testify and present evidence in your favor, including the right to free court-subpoena services to order witnesses to appear and/or to obtain documents or other evidence that may exonerate you
- The privilege to remain silent, to not testify, and to not incriminate yourself

You have the right to have an attorney represent you at all stages of these proceedings. You do not have a right to a Court-appointed attorney for infraction-only cases. If you want an attorney to contest an infraction, then you will have to pay for one.

If you plead not guilty, then the Court will set a trial date within 45 days, unless you waive or give up that deadline for convenience. The Court will subpoena the officer who issued the citation to you. You must appear at trial; you will be able to question the officer, and present evidence and argument at that time. If you fail to appear at trial, the Court may hold the trial without you and find you guilty. If so, the Court will notify you of the judgment of guilt by mail.

You have the right to appeal the judgment 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.

If you plead guilty or no contest, you are giving up your rights and admitting you committed the offense(s); there will not be a trial. A no contest plea cannot be used against you in a civil court case. A no contest plea is a way of saying: "I didn't do everything the officer said, but I did violate the law." If you plead guilty or no contest, then you will be waiving and giving up all of your rights and you will also be incriminating yourself. The Court will find you guilty, and will notify the DMV of your conviction.

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 after a decision at trial. If you resolve the case today, the Court will sentence you at the time of your plea today unless you expressly tell the Court you want to delay sentencing and exercise this right.

If you resolve your case today and do not delay sentencing, then your fine will be due today; proceed to the Revenue Recovery Dept. ("RRD") before leaving. If you need additional time to pay, then tell the Court. The Court can authorize a payment plan, or a one-time extension to pay the entire amount in full. If you have financial issues you want the Court to consider, you can submit form TR-320 to RRD.

If the Court authorizes Traffic Violator School ("TVS"), you will have to pay an administrative fee to the Court in addition to the school's program fee. Make sure you pay all of your fines and fees to the Court before you attend TVS. If you request a payment plan for your fine, you will not be able to attend TVS until you have first paid off the fine in full, and have filed a written motion with the Court to reopen the case and request to attend TVS, and have had the motion granted. You may attend TVS only one time every eighteen months.

You are entitled to a verbatim record of this hearing and the trial, which are recorded; you may have to pay a fee for this record.

I have fully read (or had read to me) and completely understand this Traffic Advisement of Rights. I also waive and give up all of these rights if I plead guilty or no contest.

Defendant's Signature

Today's Date