

FELONY ADMONITION OF RIGHTS

ADMONITION OF RIGHTS: You have the following constitutional and statutory rights, which you should keep in mind when it comes to making decisions on how you want to handle your case.

RIGHT TO AN ATTORNEY: You have the right to have an attorney with you at all stages of the proceedings, including this one. You will be given a reasonable continuance to secure an attorney, if you want one. If you want an attorney, but cannot afford one, an attorney will be appointed to represent you, initially at no cost to you. However, at the conclusion of the case the Court is required to make a determination concerning your then present ability to reimburse the County for a part or all of the costs of the legal services rendered for you. If the Court finds that you have the then present ability, it must order you to pay all or part of the costs. Such an order would have the same force and effect as a judgment in a civil action and can be enforced against your property in the same manner as any money judgment. It is not required that you have an attorney; in fact, you have the constitutional right not to be represented by counsel. It is the Court's recommendation, however, that you do have the advice of an attorney before proceeding because there are dangers, pitfalls, and disadvantages to proceeding without a lawyer and it is almost always unwise to do so.

BAIL: You have the right to be released on reasonable bail. However, in certain circumstances, bail can be denied.

PRIVILEGE AGAINST SELF-INCRIMINATION: You have the right to remain silent, you do not have to say anything about the charges except "not guilty." At a trial or other hearing you cannot be required to take the witness stand and testify.

PRELIMINARY HEARING: You have the right to have a hearing within 10 court days (two weeks) at which the District Attorney would have to present sufficient evidence to convince a judge that there was probable cause to believe that you committed the offense(s) with which you are charged.

JURY TRIAL: If you contest the charges, you have the right to a jury trial, that is, to have 12 people summoned to court to hear the evidence and make a determination concerning your guilt or innocence of the charge. It is not required that you have a jury trial, in fact, many people are satisfied having a judge hear their case. At such a trial you are presumed innocent until evidence convinces the jurors (or judge) beyond a reasonable doubt that you are guilty.

SPEEDY TRIAL: You have the right to have the above-mentioned trial within 60 days of the date that papers are filed in Superior Court. If you do not wish your case to come to trial that soon, you can waive this statutory time for trial.

CONFRONT AND CROSS-EXAMINE WITNESSES: You have the right to see, hear, and question any witnesses that the District Attorney would produce in order to prove the charges.

PRESENTING EVIDENCE AND SUBPOENAS: You have the right to present evidence on your own behalf in defense of the charges and to use the subpoena power of this Court at no cost to require witnesses to come to court and testify. You also have the right to testify and tell the Court your side of the situation; if you do testify, the District Attorney can cross-examine you.

CONSEQUENCES IF CONVICTED: A crime is called a felony because the punishment for it is or can be imprisonment in the State prison. The punishment can also include a substantial fine and must include a restitution fine. If a person is sent to State prison, there is a period of parole after release. The Court will tell you the maximum sentence applicable to your case. If you are not a citizen, you are hereby advised that a conviction of any offense may have the consequences of deportation, exclusion from admission to the United States, or denial of naturalization or amnesty pursuant to the laws of the United States.

RIGHTS IF CONVICTED: You have the right to a delay in sentencing of 28 days. If you are convicted at a trial, you have the right to appeal, which would happen only if you file a notice of appeal within 60 days of the date that the Court sentences you.

PLEAS: The pleas available to you are "not guilty," "guilty," or "no contest." A "no contest" plea accepts responsibility for the charges and is essentially the same as a "guilty" plea.

PROBATION VIOLATION: If you are here on a probation violation you have many of the same rights as above, including the right to an attorney, to know the alleged violation, to a continuance to prepare for a hearing, to have a hearing, to present evidence and to have the Court make findings based on that hearing. If you are found in violation of your probation, then the maximum penalties available to the court at the time of your initial sentencing would be available at resentencing.

DATED: _____

SIGNATURE

I have been duly sworn. I have truly translated this form to the defendant in the _____ language. The defendant said (s)he understood the contents of this form, and (s)he then signed the form.

DATED: _____

COURT INTERPRETER SIGNATURE