

MISDEMEANOR AND INFRACTION 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 conclusions 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. If you are charged with an infraction, you may hire your own lawyer but are not entitled to court appointed counsel.

BAIL: You have the right to be released on reasonable bail. If you are to be held pending the giving of bail in a misdemeanor case, you have the right to have the Court review the paperwork in the file to determine if there is probable cause to believe that you committed the offense.

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.

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. If you are charged with an infraction, you are entitled only to a non-jury trial.

SPEEDY TRIAL: You have the right to have the above-mentioned trial within 30 days if you are in custody, within 45 days if you are not in custody. If you do not wish your case to come to trial that soon, you can waive the 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: For most misdemeanors, the punishment can be up to 6 months in the County jail and up to a \$2,700.00 fine or both; some misdemeanors have higher maximums of up to 1 year in the County jail and a \$5,400.00 fine; some misdemeanors have minimum penalties associated with them; the Court will advise you of any that apply to your case. If you are here on an infraction, the maximum punishment is a fine which cannot exceed \$675.00 for a Penal Code violation and \$270.00 for Vehicle Code infractions. 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 6 hours, but not more than 5 days. If you wish to hear your sentence today, you would have to give up that right. If you are convicted at a trial, you have the right to appear, which would happen only if you file a notice of appeal within 30 days of the date that the Court sentences you. At the conclusion of the case, that is, after successfully completing probation, or one year after paying the fine, or serving the jail time, you can petition the Court for a dismissal of the charges; this would have the effect of your being able to tell an employer that you had not been convicted of this offense.

PLEAS: The pleas available to you are "not guilty," "guilty," or "no contest." A "no contest" plea accepts responsibility for the charges, but the plea could not be used against you in any civil proceeding which might arise from the same facts as the criminal charge.

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