

Name: _____

Case #: _____

WASHINGTON CITY JUSTICE COURT YOUR RIGHTS

The purpose of this document is to advise you of your constitutionally protected rights and to help you understand court procedures. You will have an opportunity to be heard and receive a fair and impartial hearing on any charges.

The Constitutions of the United States and Utah guarantee you certain rights. You have the right:

1. To be presumed innocent until proven guilty beyond a reasonable doubt of each and every element of every offense for which you have been charged.
2. To be represented by an attorney if the penalty for the offense charged contains a possible jail sentence. Your right to be represented by an attorney includes the following:
 - a. You may hire your own attorney, at your expense, to represent you; or
 - b. You may request that the Court appoint an attorney for you, if you qualify. However, you may be required to pay the expense of the appointed attorney, above and beyond any other cost or fine, if you are found guilty or you plead guilty or no contest to any offense.
3. To be informed of the charges against you.
4. To have reasonable bail set and be released on bail, or if the court so decides to be released on your own recognizance.
5. To have a speedy public trial before an impartial jury.
6. To have a formal written information filed that contains a recitation of the charges filed against you.
7. To confront any witness called against you and to cross examine those witnesses.
8. To testify in your own behalf, if you so desire, or to remain silent. No inference is made if you do not testify.
9. To compel the attendance of any witnesses you desire and to have them testify.
10. If convicted, you have the right to appeal.

COURT PROCEDURES

Arraignment or Entry of Plea: If you have any questions concerning the alleged charges or your rights, you may ask the judge. You will be asked to enter a plea of not guilty, guilty, or no contest to each individual charge.

Not Guilty Plea: If you plead not guilty to some or all of the charges, a pre-trial conference will be scheduled for you, or you and your attorney, to discuss the case with a prosecutor.

Guilty or No Contest Plea: You admit you committed the offense charged and waive the following rights:

1. To the presumption of innocence.
2. To a speedy public trial before an impartial Jury.
3. Against self-incrimination.
4. To confront and cross-examination of the prosecution's witnesses.
5. To compel the attendance of defense witnesses at no cost to you.
6. To require the City to prove your guilt beyond a reasonable doubt.

You may make an explanation concerning the circumstances. However, this may or may not have an effect on the sentence.

Sentence: If you plead guilty or no contest you have the right to be sentenced no sooner than two days and no later than forty-five days after entering that plea. You may waive that right and be sentenced at the time you enter your plea.

Pretrial: Is a meeting with the Prosecuting Attorney to review the evidence. Charges can be dismissed or amended upon motion by the Attorney before the Judge.

Trial: The City will present witnesses and evidence. You may ask questions of these witnesses to clarify points. You may present your evidence using witnesses, pictures, diagrams, etc., as you desire. You may represent yourself or you may get an attorney to represent you.

Failure to Appear: For Pretrial or Trial may result in the trial being held without you. If you are convicted, a warrant for your arrest may be issued. If you are found not guilty at trial, the charge is dismissed.

Effects of Conviction: The following penalties are possible in this court. Included in these figures is a mandatory 35% or 85% state assessment fee that must be added to all moving traffic and criminal violations.

Class B Misdemeanor: Maximum fine \$0 - \$1950 and/or 0 to 180 days in jail.

Class C Misdemeanor: Maximum fine \$0 - \$1475 and/or 0 to 90 days in jail.

Infraction: Maximum fine from \$0 to \$1475

Probation: Part of your sentence may be suspended upon your completing probation. Probation may consist of:

1. Payment of fine as ordered (payment plans are allowed)
2. Completing counseling, community service, jail time, having no other violations for a period of time, restitution to a victim or any other requirement as ordered by the Judge.

Immigration/Deportation: I understand that if I am not a United States citizen, my plea today may, or even will, subject me to deportation under United States immigration laws and regulations, or otherwise adversely affect my immigration status, which may include permanently barring my re-entry into the United States. I understand that if I have questions about the effect of my plea on my immigration status, I should consult with an immigration attorney.

Conviction, a guilty plea or a no contest plea to a moving violation must be reported to the driver's license division.

I also understand that I have twenty-eight days from the date the court imposes sentence or accepts a plea held in abeyance to appeal these charges by filing written notice with this court.

You are ordered to notify the court if your address or telephone number changes before your case has been closed, including the time of probation time.

I have read, understand and believe that I am fully advised of my rights, obligations and duties as set forth above.

Signature _____ Date _____

If proceeding without counsel, I understand that my plea of guilty or no contest, without the assistance of an attorney, is a waiver of my right to counsel. I also waive my trial rights as outlined above and plead guilty or no contest to the charge(s).

Signature _____ Date _____

The court may suspend all or a portion of your sentence and place you on probation to do, or not do certain things. If you comply with the terms of that probation the suspended portion will not be imposed. If the court finds, after giving you an opportunity to be heard, that you willfully violated probation the court may impose more or all of the amounts of the suspended sentence.