

AMADOR COUNTY SUPERIOR COURT 500 ARGONAUT LANE JACKSON, CA 95642 (209) 257-2604 <a href="http://www.amadorcourt.org">www.amadorcourt.org</a>	<i>FOR COURT USE ONLY</i>
PLAINTIFF: PEOPLE OF THE STATE OF CALIFORNIA vs DEFENDANT:	
<b>LEGAL RIGHTS OF A DEFENDANT</b> <b>FELONY</b> PENAL CODE §686	CASE NUMBER:

**IF YOU ARE CHARGED WITH A FELONY, YOU HAVE THE FOLLOWING RIGHTS:**

1. **RIGHT TO KNOW THE CHARGE:** You have a right to know what criminal charges are filed against you.
2. **RIGHT TO AN ATTORNEY:** You have a right to be represented by an attorney at all stages of your case, including this arraignment.
3. **COURT APPOINTED ATTORNEY:** You have the right to have an attorney appointed to represent you, if you do not have the money to hire one. If the Court appoints an attorney to represent you, the Court will order you to appear before a county officer to ask about your ability to pay all or a portion of the legal services provided. Upon conclusion of your case, you may be required to reimburse the costs of your court appointed attorney, if the court determines you have the ability to do so. You are entitled to a hearing to contest the determination you have the ability to pay all or a portion of the costs of your appointed attorney. An order to pay costs shall have the same force and effect as a civil judgment and shall be subject to execution against your property or assets.
4. **CONTINUANCE AND DELAY:** You have a right to a continuance (a delay) to obtain an attorney to prepare your defense.
5. **RELEASE ON BAIL AND DETENTION HEARING:** If you are in custody, you have the right to be released on your own recognizance or by posting reasonable bail. If you are not released on your own recognizance, you have the right to a hearing to determine if there is probable cause to continue your in-custody status, subject to posting bail.
6. **PROBABLE CAUSE HEARING:** If you are in custody, you have the right to demand a hearing regarding whether there is probable cause to believe that you have committed an offense. This hearing must be held immediately at the time the motion is made, unless, for good cause, a continuance, of not more than 3 days, is granted. If probable cause is not found, the offense must be dismissed.
7. **PLEAS AVAILABLE:** You have the right to enter the following pleas to charges pending against you: (a) Guilty. (b) Not Guilty. (c) Nolo Contendre (No Contest). A nolo contendere plea has the same effect as a guilty plea and will be accepted by the court as a guilty plea, but it cannot be used against you in a civil suit. (d) Not Guilty by reason of insanity. (e) Not Guilty by reason of former jeopardy. (f) Not Guilty by reason for former judgment. (g) You may admit a prior conviction. (h) You may deny a prior conviction.
8. **TRIAL BY JURY OR COURT:** If you plead not guilty, you have the right to a public trial by jury. Trial by jury requires 12 impartial jurors who must all agree on your guilt or innocence to make a verdict.
9. **CONFRONT WITNESSES:** At any trial, you have the right to confront, see, hear, and cross-examine all witnesses testifying against you.
10. **SUBPOENA WITNESSES:** At any trial, without cost, to have this court issue subpoenas to require all favorable witnesses to testify on your behalf.
11. **NO SELF-INCRIMINATION:** At any trial, you have the right to remain silent and to refuse to take the witness stand and incriminate yourself. Such silence cannot be held against you. You have this right on the issue of your guilt. If you choose, you can testify in your own behalf.
12. **RIGHT TO KNOW PENALTY:** You have the right to know the maximum penalty for each offense charged against you.
  - a) If you are convicted of a sex offense, you will be required to register as a sex offender under Penal Code Section 290.
  - b) If you are an alien, a conviction of a crime could result in deportation, exclusion from admission to the U.S., or denial of naturalization as a United States citizen.
  - c) If you are granted probation, unless the court finds extraordinary circumstances otherwise, you will be ordered to make restitution (pay damages) to the victim or restitution fund.
13. **SEPARATE COUNSEL OR TRIAL:** If you are charged jointly with a co-defendant, you may be entitled to a separate attorney and/or a separate trial, if a conflict exists between you and the co-defendant.
14. **PRIORS:** If charged with a prior conviction of some offense, your right to a jury trial, to confront witnesses, to subpoena witnesses and your right against incrimination, as to validity of such prior, exist separate from the same rights relating to your guilt on the new charge.
15. **PRESUMPTION OF INNOCENCE:** You are presumed innocent until proven guilty beyond a reasonable doubt.

*Continued on Reverse*

- 16. RIGHT TO KNOW PENALTY FOR PRIOR CONVICTIONS AND ENHANCEMENTS:** You have the right to know the maximum penalty for each offense and each prior conviction and/or enhancement charged against you.
- a) A felony conviction could result in a sentence to state prison.
  - b) Certain enhancements to a prison sentence, if proved, could increase any state prison sentence, such as:
    1. Prior conviction of any felony [P.C. 667.5(b)]
    2. Prior felony conviction of violent felony [P.C. 667.5(b)]
    3. Prior felony conviction of certain sex crimes when charged with new violation of 288 P.C. [P.C. 667.51 (a)]
    4. Two prior felony convictions of certain sex crimes when charged with new violation of P.C. 288 [P.C. 667.51(b)]
    5. Two prior felony convictions of violent felonies when charged with new felony involving violence (P.C. 667.7)
    6. Prior conviction of serious felony (P.C. 667)
    7. Committing or attempting new charge while armed with firearm [P.C. 12022(a)]
    8. Committing or attempting new charge which used firearms or deadly weapon [P.C. 12022(b)]
    9. Committing certain felony sex crimes while armed with deadly weapon (P.C. 12022.3)
    10. Committing certain felony sex crimes in which deadly weapon was used (P.C. 12022.3)
    11. Committing or attempting felony while personally using firearms (P.C. 12022.5)
    12. Committing or attempting felony in which great bodily injury was intentionally inflicted (P.C. 12022.7)
    13. Committing or attempting certain felony sex crimes in which great bodily injury was inflicted (P.C. 12022.8)
  - c) Proven enhancements will result in consecutive prison time added to the base prison term for a new felony conviction.
  - d) In certain situations, multiple enhancements, if proved, may be added together to increase any base prison term for a new conviction.
  - e) The conviction of certain crimes where certain facts are alleged and proved and/or certain prior convictions are alleged and proved may preclude the court from granting probation.
- 18. PRELIMINARY HEARING:** Within 10 court days of completion of arraignment or entry of Not Guilty plea, whichever is later, you have the right to a preliminary hearing to determine whether there is reasonable cause to believe the public offense charged was committed and whether there is reasonable cause to believe you committed such charge. If this is determined, you will be held to stand trial.
- 19. SPEEDY TRIAL:** If you are held to stand trial, you have the right to have your trial commence within 60 days after the information (the document containing the charges) is filed.
- 20. SOLE CUSTODIAL PARENT:** If you are the sole custodial parent of one or more minor children, advise the court and your attorney. Information will be provided to you regarding your alternatives for child care while you are in jail or prison.
- 21. US VETERANS:** If you are a United States military veteran, please advise the court and your attorney of your service in the military.

**DO NOT SIGN THIS STATEMENT UNLESS YOU UNDERSTAND IT FULLY**

I represent to the Court that I have read and fully understand the foregoing statement of my legal rights.

Dated \_\_\_\_\_, 20\_\_\_\_ Signature of defendant\_\_\_\_\_

**DEFENDANT ADDRESS:** [to be completed by defendant]

\_\_\_\_\_  
[Mailing Address]

\_\_\_\_\_  
[City, State & Zip]

I declare under penalty of perjury that I have interpreted this Legal Rights form from the English language into the \_\_\_\_\_ language, and I represent to the Court that the defendant understood my translation.

Dated \_\_\_\_\_, 20\_\_\_\_ \_\_\_\_\_  
Signature of Interpreter