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| AMADOR COUNTY SUPERIOR COURT 500 ARGONAUT LANE JACKSON, CA 95642 (209) 257-2604 | <i>FOR COURT USE ONLY</i> |
| PLAINTIFF: PEOPLE OF THE STATE OF CALIFORNIA vs DEFENDANT: | |
| LEGAL RIGHTS OF A DEFENDANT MISDEMEANOR AND/OR INFRACTION PENAL CODE §686 | CASE NUMBER: |

IF YOU ARE CHARGED WITH A MISDEMEANOR OR INFRACTION, 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 – MISDEMEANOR ONLY:** 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 Contendere (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 (Misdemeanor cases only). 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. **SPEEDY TRIAL:** You have the right to have your trial:
 - a) within 30 days of your first appearance in court if you are in jail, or;
 - b) within 45 days of your first appearance in court if you are not in jail, and, if good cause is not shown, the charges must be dismissed if trial is not held within the specified times.

- 13. 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 misdemeanor, each offense carries a maximum penalty of 1 year in the county jail, a \$2,000 fine or both. Some misdemeanor charges may have a lesser maximum penalty.
 - b) Some misdemeanor charges carry a minimum sentence that must be imposed by the court. You will be advised of the minimum on each individual charge.
 - c) If you are convicted of an infraction, each offense carries a minimum penalty of a fine only.
 - d) If you are convicted of a sex offense, you will be required to register as a sex offender under Penal Code Section 290.
 - e) 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.
 - f) 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.
- 14. CONTINUANCE OR DELAY FOR SENTENCING:** If you plead guilty, nolo contendere (no contest) or are found guilty, you have the right to be sentenced not less than 6 hours nor more than 5 days after you plead or are found guilty unless you give up (waive) the statutory time for sentencing.
- 15. 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.
- 16. 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.
- 17. PRESUMPTION OF INNOCENCE:** You are presumed innocent until proven guilty beyond a reasonable doubt.
- 18. COURT COSTS:** Depending on your ability to pay, you may be charged for probation/court costs, pursuant to Penal Code Section 1203.1b.
- 19. US VETERANS/ACTIVE MILITARY:** If you are were, or are currently serving, in the United States military, please advise the court and your attorney of your service (applies to Misdemeanor cases only).

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