



Your Rights in Court

Before you appear in Mayor's Court, we would like to tell you about your legal rights.

You have the right to know **the nature of the charge** that has been filed against you and **the identity of the person who filed the charge**. If you don't understand the charges please ask the Court to explain them to you.

You have the right to know the **possible punishments** which go along with the charge you have been charged with. You also have the right to **a copy of the complaint** and the right to have the complaint **read in open court**.

You have the right to be represented by an **attorney** at these proceedings. If you need a reasonable continuance to speak with an attorney, please ask for it. If you can't afford an attorney and you have been charged with an offense which carries a possible jail sentence, you may wish to speak with a Public Defender to see if you qualify for an attorney from the Public Defender's office to represent you at no charge. If you would like to speak with a Public Defender to see if you qualify, please let us know so we can transfer your case to Municipal Court where a Public Defender is available.

You are not required to make any statements about the charges against you. Any statements you make can, and will, be used against you.

You have the choice of entering one of three pleas: "guilty", "not guilty" or "no contest":

The first plea is a **guilty plea**. A guilty plea is a complete admission of your guilt. If you plead guilty, you will be found guilty and then there will be a short sentencing hearing. At the hearing you will have a chance to explain any extenuating circumstances you would like to have considered before the sentence is imposed.

However, if you plead guilty you are giving up several important constitutional rights including the right to have a trial during which you could call witnesses on your behalf and testify on your own behalf if you choose to do so. You are also giving up the right to have the prosecution prove its case against you beyond a reasonable doubt and the right to confront any witnesses called to testify against you. If you plead guilty without an attorney, you are giving up your right to be represented by an attorney in this case.

The second plea is a **no contest** plea. If you plead "**no contest**", it means you are not contesting the facts that are written on the ticket or complaint, but you are not admitting that the facts written there are a violation of the law. If you plead "no contest", the Court will look at the ticket and see if a violation of the law has been properly alleged there. If it has, you will be found guilty and will be sentenced today. If a violation of the law has not been properly alleged, you will be found "not guilty" and the case will be terminated.

A no contest plea is similar to a guilty plea in that, when you plead no contest, you are giving up the same constitutional rights you give up when you plead guilty. These include your right to a trial, your

right to be represented by an attorney and your right to have the charges against you proved beyond a reasonable doubt.

One difference between a “no contest” plea and a “guilty” plea is that a “no contest” plea cannot be used against you in some later court proceeding. A “guilty” plea can be used against you under some circumstances. So, for example, if you have been involved in a traffic accident with someone and it may go to trial on a later date to determine which of you has to pay for the damages caused in the accident, a “no contest” plea cannot be used against you in that trial. A “guilty” plea can under some circumstances.

The third plea is a plea of **not guilty**. If you plead “not guilty” your case will be set over for trial, usually in about two weeks. At that time we will put you under oath and take testimony from you (if you wish) and any witnesses you call, can testify on your behalf. At the trial, the Prosecutor would also have the right to call witnesses and put on evidence, and you would have the right to ask questions of those witnesses.

After both sides (the Prosecutor and you) have put on evidence, the Court will make a decision about whether the Prosecutor has proven the case against you “beyond a reasonable doubt.” If the Prosecutor has, you will be found “guilty”; if not, you would be found “not guilty”.

You have the right to a **jury trial** if you are charged with an offense which could carry possible jail time. If you would like a trial by jury, you must request one in writing within a certain period of time. Please let us know as soon as possible if you would like a trial by jury, so we can have you sign a form requesting one. We will then transfer your case to Municipal Court where there are jurors available.

At the conclusion of your case, you have a right to file an **appeal** if you are dissatisfied with your case in any way. The appeal must be filed within 10 days of the Court’s final decision. Once an appeal is filed, your case will be transferred to Municipal Court. The Clerk has a form for you to complete, to assist you in filing an appeal.

Upon being convicted of a traffic offense, a record of your conviction will become a permanent part of **your driving record** with the Bureau of Motor Vehicles.

If you are **not a U.S. citizen**, you should speak with an attorney before you enter a plea. Please let the Court know if you are not a U.S. citizen so we can give you a continuance to consult with an attorney. If you are found guilty of a criminal or traffic offense, it may affect your ability to stay in the country.

Before your hearing in Mayor’s Court, you can request your case be transferred directly to Municipal Court, unless your case is a minor misdemeanor. Please let the Clerk know as soon as possible if you would prefer your case be heard in Municipal Court instead of Mayor’s Court.

Some people who receive tickets are not required to come to court if they pay a certain predetermined fine amount prior to their court date. The Courts refer to these as “**payable tickets**”. The officer who wrote your ticket will indicate on the ticket if you are eligible to pay it without coming to Court. The amount you would have to pay is listed on our website, or can be obtained by calling the Mayor’s Court Clerk, and includes all court costs. Currently court costs are a minimum of \$59 and can exceed that amount depending on the particulars of your case.