

Arraignment

An arraignment hearing is not the date to present your evidence. The Court will not listen to your story at the arraignment hearing.

An arraignment is when you will be told what you are being charged with, what the potential consequences are, and you will be asked to enter a plea.



Arraignment: Your Rights

- * You have the right to an attorney at all stages of this case, including today. For infraction cases, the Court cannot appoint an attorney for you; you must pay for an attorney on your own.
- * You are deemed innocent until proven guilty beyond a reasonable doubt. That means you have the right to a speedy and public trial. For infraction cases, there is no jury trial; it is a trial before a judicial officer.
- * You have the right to learn of the evidence before trial by using a document called a subpoena. You can request this document from the Court at no cost to you.
- * You have the right to be physically present for your trial, to hear and see all of the evidence that is being used against you, and to cross-examine, or ask questions, of the witnesses against you.
- * You have the right to remain silent. At trial, you have the right to testify. If you choose to testify, anything you say could be used against you.
- * You have the right to delay your sentence by 6 hours to 5 days. To reduce your time returning to Court, it will be presumed you are giving up this right unless you tell the Court otherwise. That means you will be sentenced after pleading guilty or no contest and being found guilty.



Arraignment: Your Rights

If your ticket says you were charged with a misdemeanor, the District Attorney has chosen to reduce your misdemeanor to an infraction under Penal Code 17(d) unless you elect to proceed on the misdemeanor.

On a misdemeanor, you have all of the rights that were just read but you also have the right to have an attorney appointed at no cost to you if you cannot afford one and you also have the right to a jury trial. However, you could also face higher penalties, including jail time.

At the time of your arraignment, if you do not tell the judicial officer that you want your case to proceed as a misdemeanor, that means you will also be giving up these two rights and your ticket will proceed as an infraction.



Plea Options

You can plead not guilty, guilty or no contest.

NOT GUILTY means you want to go to trial.

You have the right to your trial within 45 days of your arraignment or entry of plea. If you choose to have your trial within that timeframe, that means there is a deadline for your trial. It can only be continued for a good reason and with authority from the Court.

If you choose to have your trial beyond the 45 days, that means there is no deadline for your trial and it can be continued for any reason but you will still need authority from the Court.

Trial dates are firm and if you do not show up for your trial, the Court can do the trial without you being present.

Plea Options

GUILTY means you admit everything on the ticket.

NO CONTEST means you are not admitting anything but you are not fighting your ticket. The Court will then find you guilty but it cannot be used against you in a related civil case.

If you plead guilty or no contest with an explanation, it does not change the fact that you are pleading or will be found guilty and sentenced today.

The sentence is the same for guilty and no contest. Those pleas mean there is no trial and you are giving up all of your rights.



Plea Options-Juveniles

The Court will ask you whether you admit or deny the allegations.

DENY means you did not do it and want to fight your ticket at trial.

ADMIT means you are taking responsibility for the violation, there will be no trial, you are giving up your rights explained in this video, and you will be sentenced today.

If you want community service instead of paying the fine, please tell the Court when you plead.

