

Hello ladies and gentlemen. This is the traffic arraignment calendar. You are here today to be arraigned on the charges pending on the citation or complaint you've received. An arraignment is the time when you enter a plea to those charges. It is not the time to argue your case. At this proceeding, you will enter a plea of guilty, not guilty or no contest. Before we begin, I would like to talk to you about some of your options, as well as provide you with some information that will be helpful to you in deciding how you want to handle your matter today.

When you appear today on this calendar you have the following Constitutional rights:

- You have the right to a trial.
- You have the right to subpoena witnesses to testify in your defense.
- You have the right to cross examine or ask questions of witnesses that may come to court to testify against you.
- You have the right to remain silent.
- You have the right to an attorney.

If you are charged with an infraction you only have the right to a trial before a judge or Commissioner or a trial by declaration. If you are charged with a misdemeanor, you have the right to have a court trial or a jury trial. You have the right to this trial within 45 calendar days of your arraignment. You may waive this right and consent to a trial date which is more than 45 days from your arraignment.

At your trial you will have the right to compel the attendance of witnesses to court who give testimony favorable to your side of the case. This is the right to subpoena witnesses.

You also have the right to ask questions of witnesses who testify against you. This is the right to cross examine.

You have the right to remain silent. Essentially this means that you do not have to make any admissions or say anything that would incriminate you in any way. If you waive this right and testify in your own defense, your statements may be used as evidence against you.

You also have the right to an attorney. If you want to hire an attorney, I will give you an opportunity to do that by continuing your case for a short period of time to have your counsel present.

If you are charged with a misdemeanor and you cannot afford an attorney, one will be appointed to represent you. Please understand that at the conclusion of your case if you have appointed counsel, the Judge has the right to conduct a brief hearing to determine if you have the means to reimburse the county for the services of the attorney.

At today's hearing you will enter a plea of not guilty, guilty or no contest. If you decide to plead guilty or no contest, you will give up all of the rights I have just explained. If you plead guilty or no contest there is no trial, no witnesses are called and you will not have the opportunity to present defenses through witnesses or through the use of subpoenas. You will be incriminating yourself and you will be doing so without the aid of an attorney. So, you will be waiving all of those rights.

If you plead not guilty, you will have the option of either a court trial or a trial by declaration. A court trial is where you, the officer and all witnesses come to court and testify. The Judge or Commissioner will listen to all of the evidence and then make a decision. A trial by declaration is where you, the officer and all witnesses prepare written statements about what happened. The statements are signed under penalty of perjury. The statements are collected and on the appointed day the Judge or Commissioner reviews the statements and makes a decision. You will receive a copy of the decision in the mail. If you want to have a trial by declaration you must post the full amount of the bail on the citation or complaint prior to the filing of your statement. With the trial by declaration, if you are not satisfied or disagree with the decision you may

request a new trial. You must request your new trial within 20 days of the date of the notice of decision. Failure to do that will make the decision final.

If you plead or are found guilty at trial of an infraction, you cannot be sentenced to any jail time. You will be assessed a fine in your case. When the Judge or Commissioner states the fine amount for the offense he/she is not giving you the total amount that you owe. In addition to the fine there are certain administrative fees that will be added. These fees are assessed by the State and County and fluctuate. Generally you will owe anywhere from \$75.00 to \$200.00 above the stated fine amount. The fees will be listed on the paperwork you are provided by the bailiff. The Judge or Commissioner does not give you a total amount because the fees fluctuate depending on the number and type of violations that you have on your citation. These fees must be paid along with your fine. Your fine amount is due at the time you enter your guilty plea or the time that you are found guilty. Our Court does not offer a community service option as payment for your fines and fees. Therefore, you will have to make arrangements for payment.

The Court provides two alternatives for payment of your fine and fees if you are unable to pay the amount in full today. Both of these alternatives come with an additional administrative fee. The first alternative is that you can pay your fines and fees in full within 60 days. This alternative carries an administrative fee of \$30.00. The second alternative is to set up a payment plan with the Court. The administrative fee for setting up payments is currently \$35.00. This fee is per case and must be paid at the time you set up your payment plan. You must set this plan up within 7 days of the date you are in Court. Under both of these alternatives you must pay your fine on time. If you do not pay within the 60 days or follow your payment plan your license will be suspended and additional fees of at least \$300.00 will be added to what you owe. The DMV will not release your license until all fines and fees are paid in full. In addition your account will be referred to the Franchise Tax Board – this could result in wage garnishment or the holding of your income tax refunds. Therefore it is imperative that you follow thru on any payment arrangements you make.

If you wish to attend traffic school please request it at the time you are called to enter your plea or are found guilty. Traffic school is something you may want to consider if you are having difficulty obtaining or keeping insurance or if you are concerned about the points on your driving record. In order for you to be eligible for traffic school, at least 18 months must have passed between the date of the new charge and the date of the last charge for which you went to traffic school. Traffic school is only available for moving violations. Some offenses are not included. These are offenses arising out of an accident or for any offense involving driving and alcohol or drugs. Also, if the offense is for speeding in excess of 100 miles per hour or if the violation carries 2 points you will not be eligible for traffic school. Commercial drivers are not allowed to attend traffic school even if the violation occurred in their personal vehicle and not in a commercial vehicle. If you decide you want to go to traffic school, you must pay the full bail or fine on the moving violation plus the administrative fees, plus a state fee (currently \$56.00) and the cost of the school itself. You may attend any traffic school which is on the Court's approved traffic school list. The school settings are varied. You can take a class on the internet; by a video/DVD that you have rented; or by attending an actual class. You have 90 days to complete the school and pay all of the fines and fees. I urge you to sign up for the school right away, get your certificate back and pay all of your fines and fees in the required time. If you fail to complete school or get all of the paperwork or pay all of the costs by the due date you will receive an additional civil assessment and your license will be suspended. If you decide for some reason you do not want to go to traffic school and you want to forfeit bail please let the Court know. Failure to let the court know that you don't want to attend school and merely forfeit bail could result in additional fines and a license suspension. Prior to leaving today it will be necessary for you to stop and talk to the traffic school clerk out front. He or she will give you all of the information and brochures necessary for you to successfully complete traffic school.

If you received an equipment or registration violation, license violation or insurance violation you may be required to pay a proof of correction fee plus administration fees if you are coming in today with proof of correction. Your fees will be noted on the paperwork you will receive from my bailiff this morning. Please have your proof of correction out and ready to show my bailiff when you come forward on your case.

If you are cited for a child safety seat violation, you may be eligible to attend a special child safety class which discusses the proper use of child seats and seatbelts. **The current fine for this violation is \$400.00.** If you attend the class and turn in the certificate of completion on or prior to the due date, the fine will be waived. The class is 3 hours long and currently costs approximately \$75.00. You have 90 days to complete the class and turn in the certificate. The class may only be taken here in Stanislaus County. If you do not complete everything timely, you will be required to pay the full fine. This class does not remove the point off your record. If you wish for that to happen you must attend the regular traffic school and the rules for traffic school apply.

If you are cited for not having proof of insurance, I will generally give you an extension of time to obtain insurance. Be advised that you must show proof that either you or the vehicle you drive is insured. If you did not own the vehicle that was stopped but that vehicle was insured you can provide proof of that insurance at the continued court date if you do not have it with you today. The current fine for not having insurance is **\$1000 for the first offense** and \$1900 for the second offense. If you show proof that you or the vehicle was insured at the time of the offense the violation will be dismissed and there is a proof of correction fee. If you obtained insurance after the date of the offense, your fine may be reduced depending on the circumstances of your case and any prior violations.

You may be here because you received notification that your license is or is about to be suspended because you did not appear in court on your original court date. This is what is commonly referred to as a "Failure To Appear". If you have a failure to appear, there are several things that you need to know. Initially, you will not be able to pay your fine and fees with a check at the windows. You will need cash, a cashier's check or money order, or a Visa or MasterCard. Second, we no longer give "abstracts" – notification of the processing of your case is given electronically to DMV – so it normally takes 48 to 72 hours for the case you are appearing on to clear at DMV. This is true no matter what payment arrangements you make. Third, if you plead "not guilty" your license will remain either suspended or on hold until after the date of trial. The date of trial is anywhere from 30 to 45 days from today's date. And last, in addition to your original fine and fees

there is an additional civil assessment which will be given. This generally ranges from \$100 to \$350 and it applies to each case that has a “failure to appear”.

All of your fines and fees will be noted on the paperwork that you will receive from my bailiff today. When you receive your paperwork there is a lot of information on there that you will need including dates on which your fines are due, dates for continued hearings and addresses you may need. I advise you to read this paperwork and keep it in a safe place so you can refer to it when necessary.

Please be prepared when your case is called. If you have any questions about the information I have provided make a note of it and when I call your case I can discuss it further. Listen for your name and step forward when your case is called.

Thank you.

NOTE: Calibri font 72 for taping.