

**Superior Court of California, County of Stanislaus
Traffic Division**

2260 Floyd Avenue, Modesto, California 95355

Email: Traffic.Requests@stanct.org

(209) 530-3100, Option 1

Requesting a Court Trial

You have the right to appear in Court for arraignment and trial (contest your case) without deposit of bail, according to California Rules of Court, Rule 4.105.

If you have not already been arraigned or previously waived formal arraignment, which resulted in a conviction, you have the right to appear without a deposit of bail.

If you have already been convicted, your options include:

1. Submitting a Request for Order – your request is considered on the merits of your paperwork submitted, including documentation you may provide.
2. Filing a motion to schedule a hearing date (considered on your paperwork and verbal statements).

If you have not been to an Arraignment hearing, and you now wish to enter a not guilty plea and request a Court Trial to contest your case, you will have two ways of doing this:

1. Appear in Court for your arraignment, enter your plea, and request a Court Trial to be scheduled. The Judicial Officer will choose a date and you will be scheduled to return for your Court trial.
2. Submit an Advisement of Rights and Plea of Not Guilty in Writing (Traffic Infraction) form.
 - a. Your form will be submitted to the Clerk's Office for processing.
 - b. It is important to file it as soon as possible.
 - c. Submit your form in person, and the Clerk will set your case for trial (if you are eligible). You will receive a Notice of Court Trial from the clerk with your hearing date and time for you to return for your Court trial.
 - d. If you submit your form by mail, the Clerk will set your case for Trial and send you a Notice of Court Trial.
 - e. The Clerk's Office will notify the appropriate law enforcement agency of the trial date.

NAME OF COURT: Superior Court of California, County of Stanislaus STREET ADDRESS: 2260 Floyd Avenue CITY AND ZIP: Modesto, California 95355 MAILING ADDRESS: 2260 Floyd Avenue, Modesto, California 95355 BRANCH NAME: Traffic Division	<i>FOR COURT USE ONLY</i>
PEOPLE OF THE STATE OF CALIFORNIA vs. DEFENDANT:	CITATION NUMBER: CASE NUMBER:
ADVISEMENT OF RIGHTS AND PLEA OF NOT GUILTY IN WRITING (TRAFFIC INFRACTION) (Vehicle Code section 40519)	

I understand that I have the following rights:

TO THE ASSISTANCE OF AN ATTORNEY AT MY OWN EXPENSE. (The court won't appoint the public defender in infraction cases punishable only by fine).

TO A SPEEDY AND PUBLIC TRIAL BEFORE A JUDGE. To present evidence and call witnesses at the trial. In that regard, to have the clerk issue a subpoena without charge to compel witnesses to attend the trial and for the production of documents helpful to my defense.

TO CONFRONT AND CROSS-EXAMINE MY ACCUSERS. This is, to see, hear and question the witnesses against me at the time of trial.

TO PRESENT EVIDENCE TO SHOW THAT I AM NOT GUILTY OF THE OFFENSE.

TO REMAIN SILENT AND NOT INCRIMINATE MYSELF. I understand that I do not have to testify at the trial unless I choose to do so.

***TO HAVE MY CASE TRIED WITHIN 45 DAYS,** unless I give up (waive) that right. The 45 day period begins to run upon entry of my plea. Check one () Time Waived () Time Not Waived.

I HAVE READ AND UNDERSTAND THE ABOVE RIGHTS. I HEREBY PLEAD NOT GUILTY TO THE CHARGES LISTED BELOW, AND REQUEST A TRAFFIC COURT TRIAL.

I UNDERSTAND BY USING THE PROCEDURE SET FORTH ABOVE, I HAVE GIVEN A WRITTEN PROMISE TO APPEAR AT THE TIME DESIGNATED BY THE COURT FOR TRIAL, AND FAILURE TO APPEAR AT THE TRIAL MAY RESULT IN THE JUDICIAL OFFICER HEARING THE CASE IN MY ABSENCE

***I UNDERSTAND BY CHOOSING TO RETURN THIS FORM BY MAIL, I SHALL BE DEEMED TO HAVE WAIVED THE RIGHT TO BE TRIED WITHIN THE STATUTORY PERIOD (45 days).**

Address: _____

Phone: _____

Defendant Signature

Date

ADVISEMENT OF RIGHTS AND PLEA OF NOT GUILTY IN WRITING (TRAFFIC INFRACTION)