

CAMPBELL COUNTY CIRCUIT COURT

Name: _____

CR: _____

ADVISEMENT OF RIGHTS (Misdemeanor)

You are charged with one or more misdemeanor offenses. This is your first appearance before the court on this (these) charge(s). Due to the on-going pandemic, you will not see a judge today. Instead, you are required to read and sign the following statement of your constitutional rights.

1. You are presumed innocent of any crime, and this presumption follows you throughout any trial that is held in this case. In order for you to be convicted of a crime, the prosecution must prove you guilty of such crime beyond a reasonable doubt through witnesses and evidence produced in court.

2. You have the right to remain silent. You do not have to answer questions or give any written or verbal statement to anyone about the case, including a law enforcement officer and/or prosecutor, and you have the right to stop answering their questions. You do not have to testify as a witness in any hearing or trial unless you decide to do so of your own free will. If you make any statements to anyone, anything that you say can be used against you. If you choose to testify as a witness in court, you will testify under oath, anything that you testify to can be used against you, and the prosecutor will be allowed to ask you questions about your testimony.

3. You have the right to be represented by an attorney at every stage of a criminal proceeding. You have the right to choose and hire your own attorney. If you cannot afford to hire your own attorney, and if the law allows it, you can request that the court appoint a public defender to represent you. You must meet certain financial eligibility requirements before the court can appoint you a public defender. If the court appoints you a public defender, you could still be required to reimburse the public defender for his or her services, unless the court finds that you are unable to do so.

4. You can plead "Not Guilty" or "No Contest" to the charge(s) on the citation. If you are uncertain about what plea to enter or you have questions about your case you should plead not guilty and discuss your case with an attorney.

a. If you plead "Not Guilty," you have the right to a speedy, public trial within 180 days from today, unless you waive this right, or unless the law otherwise allows the court to set your trial for a later date. If you face a possible jail sentence, you have the right to a trial by a jury of six persons, and it requires the unanimous vote of all of the jury members to convict you of any crime. If you do not face possible jail sentence, or if you do but want a trial before a judge only (and if the prosecutor and the court consent) you may have your case tried to a judge without a jury. You have the right, during any trial, to be present in court, to listen to the witness testimony, to present witnesses and evidence in your own defense, to testify as a witness, and to subpoena witnesses to compel them to appear and testify at the trial. You or your attorney also have the right to cross-examine any witness that testifies for the prosecution.

b. If you plead "No Contest" to any charge: 1) you state that you do not wish to contest that charge and you will be convicted of any crime to which you plead "no contest"; and 2) a "no contest" plea has the same legal effect as a "guilty" plea and carries the same penalty, and by pleading "no contest" you will give up your right to have a trial, your right to have an attorney represent you (if an attorney does not already represent you), your right to remain silent, your right to pursue a defense to that charge (including a claim that the charging documents are defective and/or that any evidence was illegally obtained), and your right to appeal certain issues.

5. You have the right, to the extent that the law allows it, to appeal court rulings or judgments, and/or the sentence the court imposes, by following the applicable rules as to what is required to perfect such an appeal.

ADDITIONAL PENALTIES

In addition to the penalties provided for in the statute(s) you are charged under, there are penalties that could be imposed against you if they apply to your case, including, but not limited to, the following:

- (a) If you are currently on probation for another offense, a conviction for any offense you are charged with at this time could lead to a revocation of that probation;

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- (b) You could be ordered to pay a crime victim's assessment of at least \$150.00 per offense, as well as court costs of \$55.00 for each offense, and certain costs of prosecution;
- (c) If you are found to owe any victim restitution, you could be ordered to pay restitution;
- (d) If you are sentenced to jail for any offense, you could be ordered to reimburse the jail for costs of incarceration;
- (e) A conviction for any offense that you are charged with could affect your immigration status and could cause you to be deported;
- (f) If you are convicted of a driving offense, you could face additional, adverse action imposed by the Department of Motor Vehicles in your licensing state;
- (g) If you are convicted of a drug-related offense, you could lose certain federal entitlements, to include access to federal housing and student loans;
- (h) If you are convicted of an offense involving domestic violence, upon conviction you could lose the right to use, own or possess firearms, meaning that if you are a law enforcement officer, member of the military, security guard, hunting guide or hold any employment requiring you to handle deadly weapons, upon conviction you could lose the right to practice your profession.

By signing this document I agree that I have read it or had it explained to me and that I understand the above rights and possible penalties.

Date

Defendant

PRINT NAME