

VIDEO SCRIPT

Hello ladies and gentlemen. I am Commissioner Janine Highiet. I will explain what to expect during your traffic arraignment hearing.

Although you have received your citation and likely a reminder notice, an arraignment is the first official appearance where you are advised of your rights, the formal charges filed against you, the bail amount, and you have an opportunity to enter a plea. Your Constitutional rights include:

- The right to a speedy trial before a judge or commissioner or by written declarations. You have the right to this trial within 45 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 the trial, you have the right to compel the attendance of witnesses to court who give favorable testimony to your side of the case or to compel documents to assist your defense. This is done with a subpoena after your arraignment but before trial.
- You have the right to confront and cross-examine witnesses at the trial, which means you can ask questions of witnesses who testify against you.

- You have the right to remain silent. You do not have to admit to anything 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 have the right to an attorney during the arraignment and at trial. If you want to hire an attorney, your case will be continued for a short period to allow you to do so and have your counsel present.

Pursuant to Penal Code 17(d), the District Attorney has agreed to charge all misdemeanor citations as infractions unless the defendant elects to proceed on a misdemeanor. On a misdemeanor, you have all the foregoing rights but you also have the right to a jury trial and a right to have counsel appointed if you cannot afford one. You also could face harsher penalties, including jail time. If you do not elect to have your charge proceed as a misdemeanor, you are also waiving your right to a jury trial and to appointed counsel but you cannot face jail time and the fines are lower.

If you have a fix-it ticket and have proof of correction, please be prepared to show the court when your case is called. If you have sufficient proof of correction, that charge will be dismissed for a fee of \$25.00. If you do not

have proof of correction or do not have a fix-it ticket, you will enter a plea of not guilty, no contest, or guilty.

If you plead not guilty, you will have the option of either a court trial or a trial by declaration. The court trial is when the officer, witnesses, and you testify in court before a judge or commissioner who listens to all of the evidence and makes a decision. You do not need to pay the bail before attending the trial. A trial by declaration is where you, the officer, and 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 which will be sent to all parties in the mail. If you want a trial by declaration, you must pay the full amount of the bail on the citation or complaint prior to filing your statement. If you are not satisfied with the decision on the trial by declaration, you may request a new trial within 20 days of the date on the notice of decision. If you do not timely request a new trial, the decision on the trial by declaration will become final.

If you decide to plead guilty or no contest, you will be giving up all of your Constitutional rights: there will be no trial, no witnesses called to testify, you will not have an opportunity to present your defense, you will be incriminating yourself, and you will be doing so without the aid of an attorney. If you plead guilty or no contest,

you have the right to have your sentencing postponed by at least six hours and no more than five days. You will be waiving this right and sentence will be imposed immediately after your plea unless you request a postponement. A no contest plea is treated the same as guilty but may not be used against you in a civil case.

The penalty for an infraction is a monetary fine, possible license suspension, and administrative fees. You cannot be sentenced to jail time. There is a statewide bail amount for each violation. This Court has adopted a standard reduction for non-commercial violations pled before trial. You will be advised of the standard reduction before you enter your plea.

After you enter your plea, you have sixty days to pay the total fines. If you are unable to pay the fines, you may set up a payment plan. There is a one-time administrative fee of \$35.00 to set up the payment plan per case. The minimum payment is \$10 per month. If you are a juvenile or facing a hardship, you may be offered or request community service in lieu of or to lower the fines.

If you wish to attend traffic school, please request it at the time you enter your plea or prior to the start of your trial. Only certain moving violations are eligible for traffic school. Additionally, at least 18 months must have passed between the date of the current charge and the date of the last charge for which you went to traffic

school. In order to attend traffic school, the entire bail plus a mandated state fee must be paid in full and the traffic school completed within 90 days of your arraignment. There is also a separate cost of the traffic school itself. You may attend any traffic school which is on the Court's approved traffic school list. If you fail to complete traffic school or pay all of the costs by the due date, you could be charged additional fines and/or charged with a new misdemeanor.

All of your fines, fees, and community service, if any, will be set forth on the paperwork that you receive from the bailiff today. There is a lot of information on the paperwork including dates when your fines are due, the next hearing date, and addresses you may need.

Please be prepared when your case is called. If you have any questions about the information in this video, please make a note of it to discuss further when your case is called. Cases will be called by name and case number. When you hear your case, please step forward to the table and state and spell your name.

Thank you.