

Hello ladies and gentlemen. I am Commissioner Lynne Meredith. 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.

When you appear in Court today 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.

All cases set in traffic court are infractions. The penalty for an infraction is a fine, possible license suspension, and/or administrative fees. You cannot be sentenced to jail time. Your right to trial is limited to the right to a Court trial before a Judge or Commissioner or a written trial by declaration. 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.

At today's hearing you will enter a plea of guilty, no contest or not guilty. 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 today 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 your Constitutional 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 plea no contest or guilty, or are found guilty at trial you will be assessed a fine and/or fees. This amount is due at the time you enter your plea, or at the time you are found guilty. If you cannot afford to pay the amount you owe on the day it is ordered 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. 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 additional fees of at least \$300.00 will be added to what you owe and your account will be referred to the Franchise Tax Board. If your case is referred to collections this could result in your wages or bank account being garnished and/or the withholding of your income tax refunds. Therefore it is imperative that you follow thru on any payment arrangements you make. If you cannot afford to pay your fine and fees as ordered by the Court you may file a Request for Order with the Traffic Clerk and request that the amount be reduced or that you be allowed to perform community service. All requests for this relief must be made through the Clerk – the Judge or Commissioner will not consider these requests in open Court.

If you wish to attend traffic school please request it at the time you are called to enter your plea or prior to the start of your trial. 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 to be eligible for traffic school, 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. 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 with 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. 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 \$52.00) 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 confirmation of completion and pay all of your fines and fees in the required time. If you fail to complete school or pay all of the costs by the due date you could be charged an additional \$300.00 assessment.

All of your fines and fees will be set forth on the paperwork that you receive from my bailiff today. There is a lot of information on the paperwork 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.