

Explanation of Arraignment Docket

I am about to explain to you certain procedures in municipal court. A handout covering these explanations is available in the stand you passed as you came into court. There is also a pamphlet explaining how municipal courts work and many of your rights in municipal court. You may go quietly and get a copy of these documents while I am speaking.

As your name is called for the arraignment docket, please come forward. I will read to you the charge or charges which have been filed against you and ask you whether you wish to plead not guilty or guilty to that charge.

If you feel that you did not violate the ordinance you are charged with violating; or if you are uncertain whether you violated it or not; or for any other reason you wish to enter a plea of not guilty, you may do so. If you plead not guilty, I will set your case for pre-trial conference here in this court at another date, after which your case will be set for trial. You also have the right to request a jury trial. If you do so, your case will be transferred to the Circuit Court and will be heard by a circuit judge before a jury.

At your trial, you are presumed to be innocent unless and until the city attorney proves, beyond a reasonable doubt, each of the essential elements of the charge that has been brought against you. At your trial, you have a number of rights. Among those rights is the right to be present while the witnesses against you are testifying and the right to ask those witnesses questions, or to have your lawyer ask them questions to make sure that their testimony is not only truthful but also complete. You will have the right to call witnesses to testify in the case and to obtain subpoenas to make certain that a witness is present for trial.

You, yourself, will have the right to testify in the case if you want to. If you do not want to testify, you have the right not to testify. If you do not testify, your silence cannot be used as evidence of guilt. If you are convicted by a trial before this court, you have the right to a second trial before a circuit judge.

Up until now we have been talking about what happens if you enter a plea of not guilty. Your only other choice is to enter a plea of guilty. If you feel that what you did violated the ordinance you are charged with violating, you may plead guilty. If you plead guilty, there will not be a trial of any kind. Therefore, by pleading guilty, you are waiving your right to a trial and to all the rights I have just discussed.

If you wish to plead guilty, I will allow you to plead guilty with an explanation. This plea has the same effect as a plea of guilty, but says that you would like to explain to me what you believe are mitigating circumstances with respect to the punishment only. The mitigating circumstances may or may not have an effect on the amount of the fine assessed.

If you are not a citizen of the United States, a guilty plea or a conviction may result in your deportation, exclusion from the United States, or denial of immigration benefits under federal law. [Includes, at least, naturalization, permanent residency, and work eligibility.] If you are not a U.S. citizen, you should consider consulting an attorney before you plead to any charge.

For each municipal court case involving minor traffic violations, I have a right to impose a fine of up to \$211.00. In code violation cases, I have a right to impose a fine of up to \$186.00 for a first offense in a twelve month period and a greater amount of no more than \$436.00, depending on how many other violations have occurred in a twelve month period. In other cases, because of the nature of the cases, I have a right to impose a fine of up to \$500.00 or a jail sentence of up to 90 days, or both a fine and a jail sentence. I will never impose a jail sentence unless I tell you before I ask you how you plead that I am going to consider imposing a jail sentence. If I tell you I am going to consider imposing a jail sentence and you are indigent and do not have money to hire an attorney, I will appoint an attorney to represent you and the City of Farmington will pay some or all of that attorney's fees, depending on your financial situation. Unless I tell you I am going to consider imposing a jail sentence, I cannot appoint an attorney to represent you.

Each of you has the right to be represented by a lawyer of your choice, at your own expense at any stage of this proceeding and if you want time to hire a lawyer, I will continue your case for a reasonable time for that purpose.

If you plead guilty, in addition to ordering that you pay a fine, I will order you to pay court costs unless prohibited by law or unless you are indigent as I will explain in a moment. The amount of court costs is \$33.50 per case.

If you are in a financial condition where it will be hard to pay your fine and costs and the court finds that you qualify, court costs will not be imposed, the amount of the fine will be reduced significantly from the standard fine and a significantly lower monthly payment amount will be allowed. If you wish the court to consider whether or not you qualify, you must request that I do so when we are discussing your case and must complete a Financial Statement.

If you are unable to pay your fines and costs in full today but do have the ability to pay over time, you may request a payment plan. Payments of a certain amount will be due on certain days, which will always be a day that court is in session. You will get written notice of the payment dates and the amount to be paid by each date. If you request a payment plan, payments need to be made as set forth in the plan. As long as you make your payments, you do not need to appear in court. If you do not make a payment, you need to appear in court on the payment date so that your payment plan can be revised as necessary. If you do not appear in court and do not make a payment, I will issue a show cause order for criminal contempt. A summons will be issued for your appearance on the show cause order unless you have previously failed to appear at a prior court date in your case or fail to appear on the summons, in which case a warrant will be issued.

If you are unable to pay your fines and costs in full today and do not have the ability to pay over time or doing so would be difficult, you may request that the court consider alternative community service as a sentencing option in lieu of a fine.

Holly Joyce is the Prosecutor for the City of Farmington. She is in the conference room next to the courtroom. I cannot hear your side of the story tonight. I can only hear the evidence when all witnesses are present and all witnesses are sworn to tell the truth. The Prosecutor does not have that limitation. She can discuss your case with you informally. You may be able to work out a plea

bargain with her. After discussion, the Prosecutor may decide to dismiss your case. There is no requirement that you talk to the Prosecutor. However, it may be worth your while to do so. Any statement that you make during plea negotiations is not admissible if your matter goes to trial. If you would like to talk with the Prosecutor, you may do so while we are calling the arraignment docket.

One Specific Topic: Driving while revoked or suspended

FACTORS IN DETERMINING INDIGENCY

A person is presumed indigent if the person:

1. Is in the custody of the Children's Division or the Division of Youth Services; or
- 2.(A) Has unencumbered assets totaling under \$5,000, and
(B) Has total household monthly income below 125% of Federal Poverty Guidelines.

Below is a chart based on Poverty Guidelines issued on 01/19/2023 by the Department of Health and Human Services.

household/ family size:	1	2	3	4	5	6
Monthly:	\$1,519	\$2,054	\$2,590	\$3,125	\$3,660	\$4,196
Yearly:	\$18,225	\$24,650	\$31,075	\$37,500	\$43,925	\$50,350

For each additional person, add \$536.00 to the monthly amount and \$6,425.00 to the yearly amount.

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