

IN THE MUNICIPAL COURT
FOR THE CITY OF AMERICUS, GEORGIA

Defendant

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) Case Numbers:
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CONSTITUTIONAL AND LEGAL RIGHTS OF PEOPLE ACCUSED OF CRIMES
IN THE MUNICIPAL COURT OF THE CITY OF AMERICUS

You have been arrested or cited for a misdemeanor offense or ordinance violation in the city of Americus. There are a number of rights guaranteed to you by the United States Constitution, the Georgia Constitution, and Georgia statutes. Read this form carefully. If you have trouble with English or did not bring your glasses and need help with this form, please ask any bailiff and they will make arraignments for someone to assist you. It is very important that you understand the rights set forth on this form and the other documents given you before you do anything in the Municipal Court. Si usted necesita una versión española pregunte por favor a cualquier funcionario del tribunal.

Presumption of Innocence: Even though you have been charged with a criminal offense, you are presumed innocent. This means that the burden is on the city to prove that you are guilty of the charge beyond a reasonable doubt. You lose the presumption of innocence only by entering a plea of guilty or nolo contendere, or by being found guilty at trial.

Pleas of Nolo Contendere and First Offender: Pleas of nolo contendere and pleas under the first offender statute are always in the discretion of the court. Nolo contendere pleas will be considered on any case. First offender pleas will be considered only if you have discussed the consequences of such a plea with an attorney. The attorney does not have to be with you in court but you must state to the court that you have discussed the matter with an attorney. The court can not give you advice about the consequences of a plea under the first offender statute.

Right to Counsel: You have the right to represent yourself. You have the right to hire your own attorney. You have the right to use the public defender if you wish to be represented by an attorney and you are unable to afford your own attorney. Please advise the court if you wish the use of the public defender and you are not asked.

Right to trial: If you do not want to plead guilty or nolo contendere then you have the right to go to trial on any charge made against you. There are two types of trials: bench trial (judge hears and decides the case) and jury trial (jury hears and decides the case). You have a right to a bench trial in any criminal proceeding. You only have a right to a jury trial in some cases that come before this court. If your case is the type that has a right to a jury trial, the judge will specifically ask you if you want a jury trial. If you want a jury trial the judge will transfer your case to the State Court of Sumter County. If you choose to waive your right to a jury trial you can change your mind later and ask for a jury trial.

Right to testify or not testify: You have the right not to say or do anything that could incriminate you (make you appear guilty). You have the right to keep silent and neither the judge nor the jury can penalize you in any way for your silence. However, if you want to testify on your own behalf you can do so. In that case, the prosecutor (or judge) will be able to ask you questions on cross-examination.

Surcharges on fines: If you are fined by the court, taxes (also called a surcharges) must be added to the fine. These taxes add least 35% to the fine and in some cases may add more than 100% to the fine. These taxes are required by state law. For example, if your fine is \$100 the total you will pay the Clerk is at least \$135. Various offenses carry various surcharges and the court staff will advise you of the total when you pay your fine.

Sentencing: If you need time to do complete your sentence then the probation department will supervise you while you complete your sentence. You will have to pay a probation fee and a state tax on the probation fee. If you fail to complete you sentence as ordered then you can be charged with Contempt of Court or arrested for violation of the terms of your probation and ordered to serve some or all of the probated time in jail.

Driver's License Suspensions: Certain offenses require suspension of your driver's license. Suspension of your driver's license is by the State of Georgia and not by the court. The court can not alter a mandatory license suspension. You must contact the State of Georgia to resolve any issues with license suspensions and to get temporary or special permits to drive, if you qualify.

Right to appeal: If you are displeased with any decision the court makes you have the right to appeal to the Superior Court of Sumter County. Most appeals must be filed within 30 days of today.

I have read (or have had read to me) this form and have had the opportunity to ask the Judge questions about the items on this form.

This the _____ day of _____, 20____.

Defendant