

Traffic Arraignment Advisement

Proceed to Department

Carol Miller Justice Center - Arraignment Court

Court Room Check In Hours 8:15 a.m. to 11:15 a.m. and 1:15 p.m. to 4:00 p.m.

You have checked-in to the court and your case has been placed on the arraignment calendar.

Unless advised otherwise by the judicial officer, you must go to the Fines Room at the conclusion of your arraignment appearance.

The arraignment, also known as the "first appearance," is that stage of the proceedings where you are advised of the charges against you and are given an opportunity to enter a plea to those charges:

- **Guilty:** You admit guilt and agree to pay the fine.
- **Not Guilty:** You do not admit guilt and want a trial.
- **No Contest:** You do not admit guilt, but agree to be sentenced as though you were guilty.

Constitutional Rights and Advisement for Infraction Offenses

- Right to a speedy and public court trial.
- Right to remain silent and not incriminate yourself.
- Right to confront and cross-examine witnesses against you.
- Right to subpoena witnesses and to produce evidence.
- Right to be represented by an attorney at your own cost.
- A plea of No Contest will be treated the same as a plea of Guilty for the purpose of these proceedings.

Additional Constitutional Rights and Advisement for Misdemeanor Offenses

- Right to be represented by an attorney and to have the court appoint one if you cannot afford one (you may be charged a fee for this service).
- Right to be sentenced by a judge rather than a commissioner.
- Right to be sentenced no sooner than six hours and no later than five days after your guilty or no contest plea.
- Right to a jury trial.
- A plea of Guilty or No Contest may subject you to deportation, exclusion, or denial of naturalization.
- A plea of Guilty or No Contest could affect your probation or parole status.

The court will use the standard fine from the Uniform Bail and Penalty Schedule (Rule of Court 4.102) if you enter a plea of guilty or no contest.

The court will not negotiate or lower your fine at arraignment.

Arraignment is not a Trial

This is **not** the date of your trial. The officer is not in court today and is not available to testify.

If you enter a plea of not guilty you will be asked to sign a promise to appear at a later date and your case will be set for trial by the judicial officer. If you plead guilty or no contest at arraignment, the court will likely impose the standard fine for the offense you have been charged with. Unless the court plans to deviate from the standard fine, the court will not advise you of your sentence before you enter a plea. Standard fines can be found on the court's website www.saccourt.ca.gov/traffic.

Correctable Violations

If you have been cited for a correctable violation (tinted windows, no evidence of insurance, cracked windshield), have your paperwork ready when you speak to the judicial officer. Please understand that some charges are not always correctable. If your paperwork is not ready, the judicial officer may pass your case and recall it later. If you set your case for trial, you will **not** be able to have your charge dismissed by showing proof of correction at trial. That option is only available at arraignment and will require a \$25.00 dismissal fee.

If the court accepts the proof of correction, you will be ordered to pay a \$25.00 fee.

You must make arrangements to pay the fee in the fines room before leaving the Courthouse.

Before setting a Trial

Before setting your case for trial, it is important for you to understand the risks of going to trial. After trial, the court will render a verdict of guilty or not guilty. If you are found guilty of committing a traffic infraction after trial, the court can impose a fine of \$500.00 for the first offense, \$910.00 for the second offense or up to \$1115.00 for the third offense within one year of the offense you are now charged with. In speeding cases, the court may impose a suspension of your driving privilege for 30 days on the first offense, 60 days on the second offense and up to six months for a third offense that is still on your driving record. The court will impose the sentence that is appropriate under the facts and circumstances that come to light during the trial.

Pursuant to Penal Code Section 17(d)(1) if you are charged with an infraction that was or could have been charged as a misdemeanor, you may have the right to demand that your infraction charge be prosecuted as a misdemeanor and therefore have a right to counsel and would therefore have a right to a jury trial.

If you were cited for a misdemeanor that has been charged as a misdemeanor, you may still enter a plea of guilty or no contest today, but you must understand your rights. They are written on the courtroom wall and on this sheet. You may also ask that your case be sent to Gordon D. Schaber Courthouse downtown, for further proceedings, where you will be appointed counsel.

Failure to Appear

If you have been charged with a **Failure to Appear** and been assessed a penalty assessment under Penal Code section 1214.1, you will have an opportunity to give the court legal cause why you should not have to pay the penalty. Legal causes are listed on the posters on each side of the courtroom. The court will decide today if your reason is legally sufficient to excuse your absence. If the court imposes the penalty, you must make arrangements to pay the penalty in the fines room before leaving the Courthouse.

Payment Options

If you have entered a plea of guilty or no contest, or you have shown proof of correction, you will be directed to the fines room. You can choose from the following payment options:

- **Pay in Full Today** by cash, check or credit card.
- **Pay in Monthly Installments**

This is a **court order** and will be enforced with a **\$300 penalty assessment if you fail to go to the window in the fines room. In addition, a hold may be placed on your driver's license and/or a warrant issued for your arrest.**

Traffic School

You **must** ask the judge for Traffic School. If you are eligible for Traffic School you must pay your fine within 90 days plus pay an additional administrative fee. If you are granted Traffic School and have a Civil Assessment imposed, you must pay the Civil Assessment immediately. Partial payments are not allowed. You must also pay fees directly to the traffic school provider and complete the course in 90 days. You may be eligible for Traffic School if:

- You have a valid non-commercial California Driver's License.
- You have not attended Traffic School within the previous 18 months.
- The violation qualifies.

FAILURE TO PAY AND COMPLETE TRAFFIC SCHOOL AS PROMISED MAY RESULT IN INCREASED FINES, ADDITIONAL PENALTIES, YOUR CASE BEING FORWARDED TO A COLLECTION AGENCY, AND THE CONVICTION REPORTED TO THE DEPARTMENT OF MOTOR VEHICLES.

Community Service

If you cannot afford to pay the fine, you may request community service in lieu of the fine. The court will consider the ability to pay, driving record and court appearance record when determining whether or not to grant community service. If the judicial officer approves the request, you may be required to pay court fees and also pay fees to the Community Service Office. You cannot do both community service and traffic school. You must ask for community service before leaving the courtroom.

Court Ordered Continuance

If you are granted a continuance in the courtroom, **you must sign a promise to appear before you leave court today.** Night Court may be available for your next arraignment hearing, ask the judicial officer for details. **FAILURE TO APPEAR ON YOUR NEW COURT DATE MAY RESULT IN ADDITIONAL PENALTIES ADDED TO YOUR CASE.**

Interpreters

Interpreter services may be available on request. Your case may need to be rescheduled to a time when one is available.