

SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
Advisement of Rights – Misdemeanors

1. **Right to Know Charge:** You have the right to know the charges against you and to have the complaint read to you. You also have the right to a reasonable amount of time, not less than one day, within which to answer the charges against you.
2. **Right to Attorney:** You have the right to the assistance of an attorney at every step of the proceedings. If you want to speak to an attorney, ask the judge to continue the arraignment so you can hire an attorney.
 - a. **Right to Public Defender:** If you cannot afford an attorney, upon your request, the judge may appoint the public defender to represent you. The court will determine whether you financially qualify for the public defender.
 - i. If the public defender does represent you, the court MAY order you to pay for the services you receive.
 - ii. You have the right to a hearing on your present ability to pay such costs. If the court finds that you are able to pay for the public defender services, the court will order you to pay such costs.
 - b. **Right to Represent Self:** You have the right to represent yourself, but the court may ask questions to be sure that you are aware of the dangers and disadvantages of doing so.
 - c. **Right to Continuance and Delay:** You have the right to a continuance in order to obtain counsel or prepare your defense.
3. **Right to Reasonable Bail:** You have the right to be released on reasonable bail. In some instances, you may be released on your own recognizance, where you sign an agreement to return to court whenever ordered. Willful failure to appear is a misdemeanor and it may result in a bench warrant being issued for your arrest.
4. **Right to Speedy Trial:** You have the right to have your trial:
 - a. Within 30 days from the date of your arraignment if you are in custody at the time of your arraignment, or 45 days if not in custody.
 - b. **UNLESS:**
 - i. The court determines that there is good cause to go beyond those time periods, or
 - ii. You give up your right to have the trial heard within those time periods.
 - c. If you give up your right and your trial is continued, the case must be tried within 10 days of the agreed rescheduled date.
 - d. You have the right to a dismissal of all charges in that case if the above time conditions are not satisfied.
5. **Right to Public Trial by Jury:** You have the right to a public trial by jury. However, you may give up your right to the jury trial and have a court trial, where the judge will hear all evidence.
 - a. **Rights During Trial:** Regardless of whether you have a trial by jury or by judge, you have a right to the following:
 - i. **Attorney Present:** You have the right to have an attorney present during your trial.
 - ii. **Confront and Cross-Examine Witnesses:** You have the right to observe the testimony of all witnesses and ask them questions about their testimony.
 - iii. **Subpoena Witnesses:** You have the right to make witnesses appear in court, by subpoena, and present evidence about their testimony.
 - iv. **Right to Testify:** You have the right to testify yourself.
 - v. **Right to Remain Silent:** You have the right to refuse to testify and remain silent. If you do not testify, your silence cannot be used against you. If you testify, you may be cross-examined about your testimony.
 - b. **Probation Violation:** If you are charged with having violated probation, you do not have the right to a trial by jury, but you do have the right to have a probation violation hearing in front of judge only.
 - c. **Appeal:** You have the right to appeal from a final judgment of conviction and from any order made after judgment affecting your substantial rights.
6. **Right to Know Maximum Penalty Upon Conviction:** The maximum penalty for some misdemeanors is one year in county jail and/or \$1000 fine. However, the maximum penalty for most misdemeanors is six months in jail and/or \$1000 fine. The court may also impose probation and order you to pay statutory fees.
7. **Right to Enter Plea:** You have the right to enter any of the following pleas: guilty, not guilty, no contest (subject to court approval), former judgment, once in jeopardy, and not guilty by reason of insanity. If you deny the charges, your case will be set for pre-trial settlement conference with the prosecutor and for trial if it is not settled. If you plead guilty, you admit the charges, and you will be sentenced. If you plead no contest, you will also be sentenced as if you had pled guilty, but the plea may not be used as an admission in any civil suit based upon the act upon which the criminal prosecution is based.
 - a. If you plead guilty or no contest, you give up your constitutional rights as set forth above and have the right to be sentenced not less than six hours nor more than five days after your plea, unless you agree to an immediate sentence.
8. **Right to be Sentenced by a Judge of the Court:** Failure to object to a commissioner will be deemed acceptance of the commissioner as temporary judge for this hearing or trial.
9. There are certain provisions of law specifically designed for individuals who have active duty or veteran status and who have been charged with a crime. If you are on active duty in the United States military, or a veteran of the United States military, you may request a copy of the Judicial Council military form that explains those rights and may file that form with the court so that your active duty or veteran status is on file with the court. You should consult with counsel prior to submitting the form and you may, without penalty, decline to provide this information to the court.

SUPERIOR COURT OF CALIFORNIA

COUNTY OF ORANGE

Advisement of Rights – Infractions

1. **Right to Know Charge:** You have the right to know the charges against you.
2. **Right to Attorney:** You have the right to the assistance of an attorney at every step of the proceedings. If you want to speak to an attorney, ask the judge to continue the arraignment so you can hire an attorney.
 - a. **Right to Represent Self:** You have the right to represent yourself, but the court may ask questions to be sure that you are aware of the dangers and disadvantages of doing so.
 - b. **Right to Continuance and Delay:** You have the right to a continuance in order to obtain counsel or prepare your defense.
3. **Right to Reasonable Bail:** You have the right to be released on reasonable bail. In some instances, you may be released on your own recognizance, where you sign an agreement to return to court whenever ordered. Willful failure to appear may result in a misdemeanor charge filed against you.
4. **Right to Speedy Trial:** You have the right to a court trial within forty-five (45) days from your not guilty plea.
 - a. **UNLESS:**
 - i. The court determines good cause exists to continue the matter, or
 - ii. You give up your right to have the trial heard within the time period.
 - b. The case must be tried within 10 days of the agreed rescheduled date, should there be one.
 - c. You have the right to a dismissal of all charges in that case if the above time conditions are not satisfied.
 - d. Your trial will be heard without a jury by a judge or a commissioner.
 - e. **Rights During Trial:** Regardless of whether you have a trial by a judge or commissioner, you have a right to the following:
 - i. **Attorney Present:** You have the right to have an attorney present during your trial.
 - ii. **Confront and Cross-Examine Witnesses:** You have the right to observe their testimony and ask them questions about it.
 - iii. **Subpoena Witnesses:** You have the right to make witnesses appear in court and present evidence about their testimony.
 - iv. **Right to Testify:** You have the right to testify yourself.
 - v. **Right to Remain Silent:** You have the right to refuse to testify and remain silent. If you do not testify, your silence cannot be used against you. If you testify, you may be cross-examined about your testimony.
 - f. **Appeal:** You have the right to appeal from a final judgment of conviction and from any order made after judgment affecting your substantial rights.
5. **Right to Know Maximum Penalty Upon Conviction:** The maximum penalty on any infraction is \$250 plus assessment except, or otherwise provided by statute. The court may also impose statutory fees.
6. **Right to Enter Plea:** You have the right to enter any of the following pleas: guilty, not guilty, no contest (subject to court approval), former judgment, once in jeopardy, and not guilty by reason of insanity. If you deny the charges, your case will be set for a court trial. If you plead guilty, you admit the charges, and you will be sentenced. If you plead no contest, you will also be sentenced as if you had pled guilty, but the plea may not be used as an admission in any civil suit based upon the act upon which the criminal prosecution is based.
 - a. If you plead guilty or no contest, you give up your constitutional rights as set forth above and have the right to be sentenced not less than six hours nor more than five days thereafter, unless you agree to an immediate sentence.
7. There are certain provisions of law specifically designed for individuals who have active duty or veteran status and who have been charged with a crime. If you are on active duty in the United States military, or a veteran of the United States military, you may request a copy of the Judicial Council military form that explains those rights and may file that form with the court so that your active duty or veteran status is on file with the court. You should consult with counsel prior to submitting the form and you may, without penalty, decline to provide this information to the court.