

YOLO SUPERIOR COURT
Department 10 – Traffic Division
ADVISEMENT OF RIGHTS

If you have been charged with an infraction, you have the following rights:

1. The right to have **an attorney** present at all stages of the proceedings;
2. The right to a **speedy trial** by the court;
3. The right to **confront and cross-examine** witnesses;
4. The right to use the **subpoena powers** of the court to bring evidence and witnesses to court on your behalf; and
5. The right **against self-incrimination** (you cannot be forced to testify against yourself).

If you are not a citizen of the United States and you enter a plea of guilty or no contest, or if you are found guilty, that plea or finding could result in you being deported, denied admission to the United States or denied naturalization as a United States citizen.

The maximum penalty (including penalty assessments) for MOST infractions is \$350.00 for the first offense; \$690.00 for the second offense within one year; \$860.00 for the third offense in one year. In addition, you will be charged \$27.00 for each prior conviction that shows on your driving record.

Several infractions have higher fine amounts than listed above. For example, a registration violation has a maximum fine of \$860.00 and a MANDATORY minimum fine of \$180.00; an insurance violation has a maximum fine of \$690.00 and a MANDATORY minimum fine of \$350.00; weight violations are assessed according to the amount the load is overweight; driving at a speed in excess of 100 MPH has a maximum fine of \$1,710.00 and, in addition, the court will suspend your privilege to drive; unlawfully passing a school bus has a maximum fine of \$860.00 with a MANDATORY minimum fine of \$520.00 for the first offense.

If you are charged with driving without a valid driver's license or exhibition of speed, those charges are misdemeanors that the court will automatically reduce to infractions unless you object.

If the charge remains a misdemeanor, you have two additional rights:

1. The right to **court-appointed counsel** (a lawyer) if you cannot afford your own attorney, and
2. The right to a **jury trial** rather than a court trial.

Further, if the charge remains a misdemeanor, the maximum penalty (including penalty assessments) for not having a valid driver's license is six (6) months in jail and/or a fine of \$1,720.00. The maximum penalty (including penalty assessments) for exhibition of speed is 90 days in jail and/or a fine of \$1,720.00.

The maximum penalty (including penalty assessments) for an infraction that has been reduced from a misdemeanor is a fine of \$870.00. You cannot be sentenced to jail for an infraction.

**The possible pleas you may enter are:
GUILTY or NOT GUILTY or NO CONTEST.**

A plea of guilty and plea of no contest are both convictions and will show on your driving record. (Bicycle citations, pedestrian citations, and non-alcohol related boating citations do not show on your driving record). A plea of no contest cannot be used against you in a civil lawsuit; however, a guilty plea can.

The court will not assign jail time for infractions. If you are interested in doing work rather than paying a fine, you may request an assignment to the work program. The standard fee for the work program is \$159.00. **You may not do work to pay off a civil assessment or a traffic school fee.**

All offenses will be sentenced immediately, unless you wish to postpone sentencing for not less than six (6) hours and not more than five (5) days. If you wish to postpone sentencing, please immediately tell the court.

If you need to make payments, the minimum monthly payment is \$40.00 per month. **A \$35.00 Accounts Receivable fee is added to your fine amount when you request time payments.** If you wish to make payments, you must complete the Confidential Personal Information Form and hand it to the clerk when you sign your papers.

If you are choosing the option of traffic school, the fee (the bail amount plus the \$39 traffic school fee) must be paid in one lump sum. You will be given one month to pay the entire amount (there is no \$35.00 fee for the one month extension). If you have not paid your traffic school fee by the due date, you will not be able to attend traffic school and the offense will show as a conviction on your record. Further, you will be charged an additional \$250.00 civil assessment for failure to pay the fine, a hold will be placed on your driver's license, and DMV may suspend your privilege to drive.

If you have a civil assessment for failure to appear in court, the only hearing on that matter is at arraignment (good cause hearing). If the civil assessment is final, the court cannot discuss it with you. If you had good cause for not appearing and wish the case to be reviewed, you must file a motion to vacate the civil assessment. The forms are available at the front counter. A \$25.30 non-refundable fee is required in order to file that motion.

I declare under penalty of perjury that I have read this document (or that it has been read to me) and that I understand its contents.

Date: _____ Signature: _____

Print your name here: _____

-----DEFENDANTS DO NOT WRITE BELOW THIS LINE-----

I, having been sworn or having a written oath on file, certify that I truly translated this form to the defendant in the language indicated below. The defendant stated that s/he understood the contents of the form and then s/he signed and dated the form.

INTERPRETER'S Signature: _____

Print **INTERPRETER'S** name and language: _____