

## **Explanation of Arraignment Docket**

As your name is called, 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 what you did, did not violate the ordinance you are charged with violating; or if you are uncertain whether it 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 trial here in this court at another date. 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, it will not be up to you to prove that you are innocent, you are presumed to be innocent. It will be up to the city attorney to prove, beyond a reasonable doubt, each of the essential elements of the charge that has been brought against you. At your trial, you will have all of the rights of any defendant in a criminal trial in the State of Missouri. 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 have your witnesses testify in the case. If you are not certain your witnesses will come voluntarily, you need to give names and addresses to the court clerk so she can subpoena those witnesses. If you do not request a subpoena and your witnesses do not come voluntarily, I will almost never grant a continuance. That is because I have advised you ahead of time to be certain to request a subpoena. 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, I will not draw any inference from your failure to testify. The reason for this is that the burden is never on you to prove that you are not guilty, the burden is always on the city to prove that you are guilty. 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.

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 explained may or may not have an effect on the amount of the fine assessed.

If you are not a citizen of the United States, whether or not you have lawful immigration status, your plea or admission of guilt may result in detention, deportation, exclusion from the United States, or denial of naturalization or other immigration benefits pursuant to federal law, depending on the specific facts and circumstances of your case. You should consider consulting an attorney about these issues in light of this advisal before you plead to any offense. Upon a general request for a continuance to consult an attorney, your matter will be continued for a reasonable time.

To obtain a continuance, you are not required to disclose your immigration or citizenship status to the court.

In many municipal court cases, I have a right to impose a fine of up to \$300.00. In other 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. However, 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. If I do not 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 you are indigent. In most cases the amount of court costs is \$28.50. If you wish the court to consider whether or not you are indigent, you must request that I do so and must complete a Financial Statement as approved by the court. If the court determines that you are indigent, court costs will not be imposed and a reduced fine and lower regular payment amount will be considered. Indigency will be based on the most recent Department of Health and Human Services Poverty Guidelines. Whether or not I determine that you are indigent, if you file a Financial Statement, I will consider your financial situation in determining the amount of each payment under a payment plan.

Even if you do not request that I determine whether or not you are indigent you may still request that I consider your financial situation when determining the amount of each payment under a payment plan. If you make such a request, I may require that you complete a financial statement.

Any defendant may request that the court consider alternative community service as a condition of probation, as a sentencing option in lieu of a fine or imprisonment. The court may, in its discretion, order such alternative community service.

I have gone over a number of things in a short time concerning the procedures in this court and the choices you will need to make in your case. If you still have any questions about those choices or about those procedures, wait until the charge has been read to you and then ask me your question and I will try to answer it. One thing I will not permit is for you to tell me what happened and then ask me whether you should plead not guilty or guilty. That is the kind of legal advice you must get from your attorney and not from a judge. You need to understand that you have the right to remain silent during your court appearance and that any statement you make during your court appearance may be used against you later at trial.

The State of Missouri allows defendants who receive certain traffic violations to avoid the assessment of points in certain cases. If you are charged with failing to obey a stop sign or stop light, careless and imprudent driving or exceeding the speed limit, and wish to avoid the assessment

of points and have not done so in the last three years, you may take a driver improvement program to do so. If you would like to take a driver improvement program, you need to talk to a private probation officer if one is present or to the clerk if no private probation officer is present, and then let me know that you wish to do so.

The gentleman in the doorway is Mr. Kevan Karraker. He is the city attorney for the City of Farmington. 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. He can discuss your case with you informally. You may be able to work out a plea bargain with him. There is no requirement that you talk to the prosecutor. However, it may be worth your while to do so. If you would like to talk with the city attorney, you may do so while we are calling the arraignment docket. No one get up yet. In a minute, we will take a brief recess. If you want to talk to the prosecutor, you can line up along the hallway wall. If your name is called while you are waiting to talk to the prosecutor, let me know and I will put your case on recall.

#### 2015 POVERTY GUIDELINES FOR THE 48 CONTIGUOUS STATES AND THE DISTRICT OF COLUMBIA

PERSONS IN FAMILY/HOUSEHOLD	POVERTY GUIDELINE
1	\$11,770
2	\$15,930
3	\$20,090
4	\$24,250
5	\$28,410
6	\$32,570
7	\$36,730
8	\$40,890

For families/households with more than 8 persons, add \$4,160 for each additional person.