

## **MUNICIPAL COURT OF TUALATIN, OREGON EXPLANATION OF RIGHTS AND PROCEDURES**

You are here for an arraignment on a citation or complaint alleging a violation of either the uniform traffic code or a municipal ordinance. You should check in with the court clerk before going into the courtroom. Cases are called in the order that they are checked in.

When your name is called, the Judge will read the charges against you. You are not charged with a crime and because there is no possibility of a jail sentence you are not entitled to a trial by jury nor are you entitled to court-appointed counsel. The rest of your rights, however, are similar to those you would have if you were charged with a crime. You have the following rights:

1. You have the right to remain silent. You do not have to say anything about the allegation against you if you choose not to;
2. You have the right to hire your own attorney if you wish;
3. You have the right to a trial which would be decided by the Judge;
4. You have the right to require the city to prove you guilty by a preponderance of the evidence.

Once you understand the charge against you and your rights, you will be asked to enter a plea. There are three possible pleas before this court:

### **NOT GUILTY**

A plea of not guilty means that you are denying the charge and indicates that you are exercising your right to require the City to prove you guilty by a preponderance of the evidence. This will require you to come back for a trial date.

### **GUILTY**

A plea of guilty means that you are admitting that you believe you committed the offense with which you are charged.

### **NO CONTEST**

A plea of no contest is a statement that you do not admit or deny whether you committed the offense but do not wish to contest the charge or have a hearing on the matter. This plea is treated the same as a plea of guilty.

In rare cases and for good cause, the court may give an individual additional time to consider his or her choices.

Upon entry of a plea of guilty or no contest, the case will ordinarily be disposed of at that time. You will be given the opportunity to explain any circumstances that you think should be considered before a sentence is imposed. However, once you've entered a plea of guilty or no contest you have waived your right to a trial. A sentence will then be imposed.

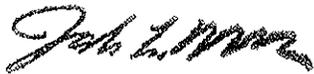
If you enter a plea of not guilty, the case will be set for a trial as soon as possible. You are required to appear at that time and you should bring with you any evidence you have or witnesses you may wish to call to testify on your behalf. You may also appear with counsel that you have retained, however, you are required to advise the court at least 10 days in advance of that time so that the City has the opportunity to appear with counsel as well.

In addition to the rights previously listed, you have the following rights at trial:

1. The right to confront any witnesses against you and the right to cross-examine (ask questions of) the witnesses;
2. The right to present evidence on your own behalf and the right to call any witnesses;
3. The right to testify if you choose or if you choose not to testify, the right to not have that decision held against you.

If you are found guilty only a fine may be imposed. The amount of the fine may vary with the type of infraction and with your previous driving record. You may also be given the opportunity to participate in various options such as traffic safety school in lieu of a portion of the fine or the seatbelt class.

While I cannot make your decisions for you I am happy to answer any questions you may have regarding your rights or court procedures. Please don't hesitate to ask.



Jack L. Morris  
Presiding Judge