

## CITY OF SARATOGA SPRINGS JUSTICE COURT YOUR RIGHTS

The purpose of this document is to advise you of your constitutionally protected rights, and to help you understand court procedures. You will have an opportunity to be heard and receive a fair and impartial hearing on any charges.

The Constitution of the United States and Utah guarantee you certain rights. You have the right to:

1. Be presumed innocent until proven guilty beyond a reasonable doubt of each and every element of every offense for which you have been charged.
2. Be represented by an attorney if the penalty for the offense charged contains a possible jail sentence.

Your right to be represented by an attorney includes the following:

- a. You may hire your own attorney to represent you, at your own expense; or
- b. You may request that the Court appoint an attorney for you, if you qualify. However, you may be required to pay expenses of the appointed attorney above and beyond any other cost or fine, if you are found guilty or you plead guilty or no contest to any offense.
3. Be informed of the charges against you.
4. Have reasonable bail set, and be released on bail or, if the court so decides, to be released on your own recognizance.
5. Have a speedy public trial before an impartial jury.
6. Have a formal written information filed that contains a recitation of the charges filed against you.
7. Confront any witness called against you, and to cross examine those witnesses.
8. Testify in your own behalf, if you so desire, or to remain silent. No inference is made if you do not testify.
9. Compel the attendance of any witnesses you desire, to have them testify.  
If convicted, you have the right to appeal.

## COURT PROCEDURES

**Arraignment or Entry of Plea:** If you have any questions concerning the alleged charges, or your rights, you may ask the judge. You will be asked to enter a plea of not guilty, guilty or no contest to each individual charge.

**Not Guilty Plea:** If you plead not guilty to some or all of the charges, a pre-trial conference may be scheduled for you, or you and your attorney, to discuss the case with a prosecutor.

**Guilty or No Contest Plea:** You admit to having committed the offense charged, and you waive the following rights:

1. The presumption of innocence.
2. A speedy public trial before an impartial jury.
3. Against self-incrimination.
4. To confront and cross-examine the prosecution's witnesses.
5. To compel the attendance of defense witnesses at no cost to you.
6. To require the city to prove your guilt beyond a reasonable doubt.

You will be given an opportunity to explain the circumstances surrounding the charges however; this may or may not have an effect on the sentence.

**Sentence:** If you plead guilty or no contest, you have the right to be sentenced no sooner than two days and no later than forty-five days after entering that plea. You may waive that right and be sentenced at the time you enter your plea.

**Pre-Trial:** The pre-trial is a meeting with the prosecuting attorney to review the evidence. Charges can be dismissed or amended upon motion by the prosecutor before the Judge.

**Trial:** The city will present witnesses and evidence. You may ask questions of these witnesses to clarify points. You may present your evidence using witnesses, pictures, diagrams etc., as you desire. You may represent yourself, or you may hire an attorney to represent you.

**Failure to Appear:** If you fail to appear for your pre-trial or trial, the trial may be held without you. If you are convicted, a warrant for your arrest may be issued. If you are found not guilty at trial, the charge is dismissed.

**Effects of Conviction:** The following penalties are possible in this court, and include a mandatory 35% or 90% State assessment fee that must be added to all moving traffic and criminal violations.

**Class B Misdemeanor:** A maximum fine of \$1,900.00 and 180 days in jail.

**Class C Misdemeanor:** A maximum fine of \$1,000.00 and 90 days in jail.

**Infractions:** A maximum fine of \$1000.00.

**Probation:** Part of your sentence may be suspended upon your completing probation. Probation may consist of:

1. Payment of fines as ordered (payment plans may be allowed at the Judge's discretion).
2. Completing counseling, community service, jail time, no other violations for a designated period of time, restitution to a victim, or any other requirement as ordered by the Judge.

**A Conviction, Guilty Plea or No Contest Plea to a moving violation must be reported to the Driver's License Division.**

You are ordered to notify the Court if your address or telephone number changes before your case has been closed, and/or during your probation period.

I have read this document, and I understand and believe that I am fully advised of my rights, obligations and duties set forth above.

Signature \_\_\_\_\_ Date \_\_\_\_\_

If proceeding without counsel, I understand that my plea of guilty or no contest without the assistance of an attorney is a waiver of my right to counsel. I also waive my right to a trial as outlined above, and I plead guilty or no contest to the charges(s). I also understand that I have thirty days from the date of the Court imposed sentence to appeal these charges by filing a written notice with the City of Saratoga Springs Justice Court.

Signature \_\_\_\_\_ Date \_\_\_\_\_

The Court may suspend all or a portion of your sentence and place you on probation to do, or not to do certain things. If you comply with the terms of probation, the suspended portion will not be imposed. If the Court finds, after giving you an opportunity to be heard, that you willfully violated the terms of your probation, the Court may impose more or the entire amount of the suspended sentence.