

Superior Court of California

County of Orange

Advisement of Rights - Misdemeanors

1. **Right to Know Charges:** You have the right to know the charges against you and 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 an Attorney:** You have the right to the assistance of an attorney at every step of the proceedings.
 - a. Right to a Private Attorney: If you want to hire an attorney, ask the judge to continue the arraignment so you can hire an attorney.
 - b. Right to Public Defender: If you cannot afford a private attorney, upon your request, the judge may appoint an attorney from the Public Defender's Office to represent you. The court will determine whether you qualify for the services of the Public Defender.
 - c. Right to Represent Yourself: You have the right to represent yourself but it is almost always unwise to do so. For example, the judge will not aid you in your efforts to defend yourself and the prosecutor is an experienced attorney who will have a significant advantage over you in skill, training, education, experience, and ability.
 - i. The judge may ask you questions to be sure you are aware of the dangers and disadvantages of representing yourself.
 - ii. If you choose to talk to the prosecutor in order to resolve your case, you will be giving up your right to an attorney.
 - iii. The judge may approve your request to represent yourself to discuss resolution without first calling your case.
 - d. You have the right to continue this matter if you would like additional time to prepare your defense or to consider hiring your own attorney.
3. **Right to Enter Plea:** You have the right to enter any one 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.
 - a. To plead guilty or no contest, you must first give up your constitutional rights as set forth below.
 - b. If you plead guilty or no contest, you have the right to be sentenced not less than six hours and not more than five days after your plea, unless you agree to be sentenced immediately or at another time.
 - c. If you deny the charges and plead not guilty, your case will be set for a pre-trial settlement conference with the prosecutor and for a later trial if the case is not settled.
4. **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 agree to return to court whenever ordered. Willful failure to appear in court is a misdemeanor and the judge may issue a warrant for your arrest.
5. **Right to a Speedy Trial:** You have the right to have your trial within 30 days of today if you are in custody or within 45 days of today if you are not in custody, unless you waive and give up this right.
 - a. If you waive and give up this right and your trial is continued, the case must be tried within 10 days of the rescheduled trial date.
 - b. However, if the judge determines there is good cause to go beyond those time periods, the trial date may be continued.
 - c. The judge will dismiss all charges against you if the trial does not start on or before the date described above and the exception outlined in 5(b) does not apply.
6. **Right to a Public Trial by Jury:** You have the right to a public trial by jury. However, you may give up the right to a jury trial and have a court trial, where a judge will hear all the evidence and will reach a verdict. Whether you have a trial by jury or a court trial by a judge, you have the right to the following:
 - a. Attorney Present: you have the right to have an attorney present during all proceedings.
 - b. Confront and Cross-Examine Witnesses: You have the right to observe the testimony of all witnesses and ask them questions about their testimony.
 - c. Subpoena Witnesses: You have the right to make witnesses appear in court, by subpoena, and compel them to testify.
 - d. Right to testify: You have the right to testify at your trial. If you do so, you will be cross-examined by the prosecutor.
 - e. Right to remain Silent: You have the right to refuse to testify and to remain silent. If you do not testify, your silence cannot be used against you.
7. **Right to Know Maximum Penalty upon Conviction:** The maximum sentence for most misdemeanors is six months in the county jail and a \$1,000 fine plus other statutory fees. For some misdemeanors, the maximum penalty is one (1) year in the county jail and a higher fine. The judge has the discretion to sentence you to less than the maximum sentence or place you on probation.
8. **Right to Probation Violation Hearing:** If it is alleged you have violated any term of your probation, you have the right to a probation violation hearing in front of a judge only. During that hearing, you will have all the rights outlined in Section 6 (a) though (e).
9. **Right to be Sentenced by a Judge:** You have the right to be sentenced by a judge. Failure to object to a commissioner will be deemed acceptance of the commissioner as temporary judge for this hearing or trial.
10. **Right to Appeal:** You have the right to appeal from the final judgment of conviction and from any order made after judgment affecting a substantial right.
11. **Veterans and Military Service Members:** The law contains special provisions for individuals who have active duty or veteran status with the United States military and have been charged with a crime. If you are on active duty or are a veteran, you may request a copy of the Judicial Council military form that explains the additional rights provided to you and includes a form that you may file with the court so that your active duty or veteran status is on file with the court. You should consult with an attorney prior to submitting the form and you may, without penalty, decline to provide this information to the court.
12. **Immigration Consequences:** If you are not a citizen of the United States, you should consult an attorney prior to making any decisions and upon request, the court will continue your case for that purpose.

**Superior Court of California
County of Orange
Advisement of Rights – Infractions**

1. **Right to Know Charges:** You have the right to know the charges against you.
2. **Right to Appear In-Person:** You have the right to request an in-person hearing during your first remote appearance.
3. **Right to Attorney:** You have the right to the assistance of an attorney at every step of the proceedings.
 - a. **Right to a Private Attorney:** If you want to hire an attorney, ask the judge to continue the arraignment so you can hire an attorney.
 - b. **Right to Represent Yourself:** You have the right to represent yourself but the judge may ask you questions to be sure you are aware of the dangers and disadvantages of representing yourself.
 - c. You have the right to continue this matter if you would like additional time to prepare your defense or to consider hiring your own attorney.
4. **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 agree to return to court whenever ordered. Willful failure to appear in court may result in a misdemeanor charge filed against you.
5. **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.
 - a. If you deny the charges and enter a not guilty plea, your case will be set for a court trial as explained below.
 - b. If you plead guilty or no contest, and admit the charges, you will be sentenced immediately.
6. **Right to Speedy Trial:** if you plead not guilty and deny the charges, you have the right to a court trial within 45 days, unless:
 - a. You give up your right to have the trial heard within 45 days, OR
 - b. The court determines there is good cause to continue the matter.
7. **Right to Court Trial:** Your trial will take place before a judge or commissioner without a jury. During the trial, you have the following rights:
 - a. **Attorney Present:** you have the right to have an attorney present during all proceedings.
 - b. **Confront and Cross-Examine Witnesses:** You have the right to observe the testimony of all witnesses and ask them questions about their testimony.
 - c. **Subpoena Witnesses:** You have the right to make witnesses appear in court, by subpoena, and compel them to testify.
 - d. **Right to testify:** You have the right to testify at your trial.
 - e. **Right to remain Silent:** You have the right to refuse to testify and to remain silent. If you do not testify, your silence cannot be used against you.
8. **Right to Appeal:** You have the right to appeal from the final judgment of conviction and from any order made after judgment affecting a substantial right.
9. **Veterans and Military Service Members:** The law contains special provisions for individuals who have active duty or veteran status with the United States military and have been charged with a crime. If you are on active duty or are a veteran, you may request a copy of the Judicial Council military form that explains the additional rights provided to you and includes a form that you may file with the court so that your active duty or veteran status is on file with the court. You should consult with an attorney prior to submitting the form and you may, without penalty, decline to provide this information to the court.