



PEORIA MUNICIPAL COURT CRIMINAL RIGHTS FORM

Read this entire form, fill out the back portion. PDF and Telephonic Format

This form provides general information regarding your legal rights when you are charged with a crime. How this information applies to your specific charge may require further clarification that you may need to determine. Please read BOTH sides and fill out the back portion.

ONE. Your First Court Appearance – the Arraignment. Your first appearance in court is the “arraignment”. The purpose of the arraignment is to advise you of the charges, explain your rights consistent with this form, and to allow you to enter a PLEA to the charges. Criminal charges in city court are misdemeanors, not felonies. Remember, the arraignment is not the trial. Do not expect to offer evidence or explain why the charges should be dropped.

TWO. Your Rights When You are Charged with a Crime. When you are charged with a crime you have the right: (a) to plead not guilty; (b) to a trial before the judge, or for certain crimes, trial by jury; (c) to the assistance of an attorney at all stages of the procedure including appeal; if eligible for certain crimes, the right to a court appointed attorney at no or partial cost; (d) at trial to confront and cross-examine witnesses against you and to subpoena at no cost witnesses you wish to have at trial; (e) to present evidence on your own behalf; (f) to remain silent and not testify or incriminate yourself; (g) to be presumed innocent until proved guilty beyond a reasonable doubt; (h) to file motions as the legality of the charges; and (i) the right to appeal.

THREE. Maximum Penalties for Misdemeanors. There are three classes of misdemeanors and a class separately called petty offense. Listed below are the possible maximum sentences that apply to these classes. You may check your offense and see which maximum applies to your particular charges. Fine amounts may be subject to mandatory surcharges or additional assessments.

Class I	180 days jail, \$2500 fine plus surcharges, 3 year probation (DUI probation is 5 years)
Class II	120 days jail, \$750 fine plus surcharges, 2 year probation
Class III	30 days jail, \$500 fine plus surcharges, 1 year probation
Petty Offense	fine not to exceed \$300 and no jail can be imposed

Other Penalties and Risks: In addition to the misdemeanor penalties, there can be jail costs for each day, MVD points, on your license or other MVD restrictions on your right to drive. MVD controls your right to drive, not the court. A conviction becomes part of your record and can be used to increase the penalties for subsequent convictions. A conviction can affect your right to a job, military position, professional license, your right to possess a firearm, or your immigration status or risk of deportation as a non-US citizen. These consequences are for you to determine from your personal circumstances.

FOUR. Pleading to the Charges. At your arraignment, you enter a plea to the charges: “NOT GUILTY” “NO CONTEST” or “GUILTY” or “GUILTY with Explanation”.

“NOT GUILTY” – If you plead not guilty, your case is set for the next step, a PRETRIAL DISPOSITION CONFERENCE (PDC) usually set about 30 days after arraignment. The PDC is a meeting with the prosecutor, the government attorney, to discuss your case, review police reports or evidence, determine if you are eligible for a court appointed public defender, and see about a plea bargain. If you cannot resolve your case, you have the right to a trial, which is set a later date. For some cases, such as “domestic violence” charges or cases with “victims”, you normally cannot plead guilty at arraignment because the prosecutor may need to obtain more information or contact the victims prior to closing your case.

“NO CONTEST” – If you plead no contest, you are not admitting guilt or responsibility as to the charge. To plead no contest means you have chosen not to contest or fight the allegations and the case will not proceed to a trial. Instead, with this plea of no contest, the court will enter a conviction and judgment against you.

“GUILTY” or “GUILTY with Explanation” – Guilty or Guilty with Explanation means you admit the offense and you agree to be convicted because you admit there is a basis for the charge and you agree to give up all your trial rights and any constitutional defenses or claims as described in paragraph TWO above and allow the judge to decide the penalty from the full range of the sentence. The court enters a judgment of guilt and a conviction on your record. If you explain special circumstances, the court may reduce the penalty, but the court does not dismiss the charge.

FIVE. Payment of Fines, Other Penalties, Separate Fees for Classes, Jail Days, Restitution, Warrant Fees, Posting Bond Money to Stay Out of Jail. Fines are payable in full at time of sentencing. You may pay in cash, credit/debit card, check, or money order. If you posted a cash bond, it may be applied to your fine. Fines are subject to local enhancement funds (about \$20 each). If you need a payment plan, there is an additional \$20 set up fee. Classes, substance evaluations, jail costs, home detention programs have fees in addition to any fine. If you must repay the cost of damages to any victim, restitution is additional. There are warrant fees and contempt of court fees if you fail to meet your deadlines or comply with court orders. If you post money to stay out of jail, when you come to court, you may still have to provide money at your court appearance to avoid more penalties even if your bond money is refunded to a third-party depositor or surety.

SIX. Complying with All Orders, Risk of Arrest without Further Notice. Paying your fine and complying with all deadlines is your responsibility. IF YOU FAIL TO APPEAR FOR ANY COURT DATES, TRIALS, HEARINGS, OR PROCEEDINGS, AN ARREST WARRANT MAY BE ISSUED WITHOUT FURTHER NOTICE. KEEP YOUR ADDRESS CURRENT. IF YOU MISS A DEADLINE, IT IS TOO LATE. YOU MAY BE REQUIRED TO PAY ADDITIONAL WARRANT FEES OR CONTEMPT OF COURT FEES. THE LAW ALLOWS THE COURTS TO INTERCEPT STATE INCOME TAX REFUNDS OR BLOCK RE-REGISTRATION OF YOUR MOTOR VEHICLE. IF YOU FAIL TO APPEAR FOR A TRIAL, YOU MAY BE TRIED IN YOUR ABSENCE AND YOU MAY LOSE YOUR RIGHT TO APPEAL THE CONVICTION. THIS IS YOUR NOTIFICATION PURSUANT TO ARIZONA REVISED STATUTE § 13-106, A CONVICTED DEFENDANT’S DEATH DOES NOT CANCEL OR TERMINATE ANY RESTITUTION, FINE, OR ASSESSMENT.

SEVEN. Setting Aside the Judgment of Guilt. Arizona law provides that, for certain types of criminal offenses, once you have fully completed all terms of your sentence, you may file a motion to set aside the judgment of guilt. This motion sometimes helps with employment applications, military enlistment, purchasing or leasing a home, or other personal circumstances. Granting or approving this motion is not automatic; it is in the court’s discretion after looking at the entire case, the time since the violation, and if you have stayed out of trouble. If the motion is granted, your file is not expunged, erased, or sealed but your name may be removed from public access. Your motion is part of the file history. Also, even if granted, your conviction can still be used a prior for future convictions. The court has the motion form at the front counter at no cost. It is available when you have completed your terms and you have waited about 60 days to make sure the case is completed.

PRINT your name, MAILING address, and CURRENT day-time phone number and email address clearly. Under public records law, your information may be entered in the state computer system or placed on the internet. Waiver of In-Person Appearance – I understand I have a right to appear in person in the court. I hereby give up that right and I choose to appear telephonically. I understand that I must appear for all new court dates as may be ordered.

First Name Middle Initial Last Name

NAME _____ Soc Sec No. _____

Birth Date ____ / ____ / ____ Dr. Lic. No. _____

Day Phone () _____ Email _____

MAILING ADDRESS _____ Apt/Unit/Space _____

CITY _____ STATE _____ ZIP _____

TODAY’S DATE ____ / ____ / ____