

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,

VIOLATION NUMBER:

PO CASE NUMBER:

v.

**STATEMENT OF PROCEDURES AND
ADVISEMENT OF STATUTORY AND
CONSTITUTIONAL RIGHTS
- CENTRAL VIOLATIONS BUREAU -**

You are in the United States District Court for the Central District of California because you have been charged with a violation of federal law involving either a misdemeanor or an infraction. The charge against you is contained in the violation notice that you have already received. This statement explains the procedures this Court will follow in your case and advises you of your statutory and constitutional rights.

You may have been charged with either a Class A misdemeanor or a petty offense. Petty offenses are categorized as Class B misdemeanors, Class C misdemeanors, and infractions. Class A misdemeanors generally are more serious than petty offenses. The maximum possible penalties for each of these types of offenses are set forth in the chart below:

Type of Offense	Imprisonment (18 U.S.C. § 3581) OR Probation (18 U.S.C. § 3561)	Fine (18 U.S.C. § 3571)	Supervised Release (18 U.S.C. § 3583)	Special Assessment (18 U.S.C. § 3013)
Class A Misdemeanor	IMPRISONMENT: Not more than 1 year; or PROBATION: Not more than 5 years	Not more than \$100,000 <i>(but if misdemeanor resulted in death, not more than \$250,000)</i>	Not more than 1 year	\$25
Class B Misdemeanor	IMPRISONMENT: Not more than 6 months; or PROBATION: Not more than 5 years	Not more than \$5,000 <i>(but if misdemeanor resulted in death, not more than \$250,000)</i>	N/A	\$10
Class C Misdemeanor	IMPRISONMENT: Not more than 30 days; or PROBATION: Not more than 5 years	Not more than \$5,000 <i>(but if misdemeanor resulted in death, not more than \$250,000)</i>	N/A	\$5
Infraction	IMPRISONMENT: Not more than 5 days; or PROBATION: Not more than 1 year	Not more than \$5,000	N/A	\$5

If your offense resulted in damage to or the loss or destruction of property, or bodily injury to someone, then you also may be required to make restitution to the victim. 18 U.S.C. § 3663A; Federal Rule of Criminal Procedure 58(b)(2)(A). In addition, if you are charged with a petty offense and your case is resolved today because you choose to enter a guilty plea or because the court finds you guilty, you will be charged a processing fee of \$30; if your case is not resolved today, this \$30 fee may still be imposed, depending on how your case is eventually resolved. You will be advised of the minimum and maximum possible penalties for the charge or charges against you when your case is called. You will then be asked to plead either “guilty” or “not guilty” to each charge.

These are your constitutional and statutory rights. **Please read carefully.**

You have the right to hire and be represented by a lawyer of your choosing at each and every stage of these proceedings. If you are charged with a Class A misdemeanor or a serious petty offense and there is a possibility that a jail sentence or a sentence of probation will be imposed, and you cannot afford to hire a lawyer, you can apply to the Court to have a lawyer appointed to represent you for free from the office of the Federal Public Defender or the Indigent Defense Panel. The application for free counsel includes a financial affidavit, which you must complete and sign under penalty of perjury. If you say something on the form that is not true or leave out material information, you could be charged with another crime, such as perjury or making a false statement. If you are not a United States citizen, you may request that an attorney for the government or a federal law enforcement official notify a consular officer from your country of nationality that you have been arrested. Even without such a request, the law may require the prosecution to do so.

You have the right to remain silent. Anything you say, sign, or write can be used against you in this or in any other case.

It is not necessary for you to prove your innocence. It is the burden of the Government to prove your guilt beyond a reasonable doubt. If the Government fails to do that, you will be acquitted.

You are entitled to see and hear the evidence and witnesses against you and to cross-examine those witnesses. You are entitled to subpoena witnesses and compel the production of other evidence on your own behalf.

You have the right to be released pending trial, subject to conditions set by the Court, unless the Court determines that detention is warranted in accordance with the provisions of the Bail Reform Act of 1984. If the Court considers the possibility of pretrial detention in your case, the Court will explain to you the general circumstances under which you may secure pretrial release when your case is called.

If you have been charged with a Class A misdemeanor: You have the right to trial, judgment, and sentencing before a United States District Judge, unless you consent to trial, judgment, and sentencing by a United States Magistrate Judge; you have the right to trial by jury, before either a District Judge or a Magistrate Judge, unless you waive that right; and you have the right to a preliminary hearing unless you waive the hearing or consent to trial before a Magistrate Judge, you are indicted, or the government files an information charging you with either a felony or a misdemeanor. **If you have been charged with only a petty offense:** You do not have the right to trial, judgment, or sentencing before a District Judge, or the right to a jury trial; rather, you have the right to a public trial before a Magistrate Judge.

If you enter a plea of “not guilty” and are released pending trial, you may be asked to sign an appearance bond, usually unsecured, to guarantee your appearance at trial. If you fail to appear at trial, that will result in the issuance of a warrant for your arrest. If you elect to change your plea from “not guilty” to “guilty,” you still must appear on your scheduled trial date to do so. A change of plea cannot be handled by mail, email, or telephone. The earliest your trial can be scheduled is thirty days following your arraignment in open court; your arraignment may occur today or at a later date.

If you enter a plea of “guilty,” you will be giving up your right to a trial, your privilege against self-incrimination, and your other rights. In that event, before accepting your plea, it will be necessary for the Court to satisfy itself (1) that you understand the nature and consequences of the plea, and (2) that the plea is free and voluntary. You are entitled to give an explanation to the Court if you plead guilty. However, the Court will not accept a guilty plea if it appears from your explanation that you are claiming to be innocent of the charges. After a guilty plea, the Court may impose any sentence it deems appropriate as permitted by law. In most instances the Court will impose a fine if the Court accepts your guilty plea. If you need additional time to pay the fine, you must bring that fact to the attention of the Court at the time the fine is imposed.

If you are charged with the violation of a statute relating to the safe operation of a vehicle, the offense may qualify for traffic school. In that event, you will be given a 90-day continuance for purposes of attending a licensed traffic school. If you are eligible for traffic school and you select that option, you must send the Court proof of completion of the traffic school course within the next 70 days. If the Court receives your certificate within the 70-day period, the matter will be resolved. If you do not provide the Court with a traffic school certificate within the 70-day period, you are ordered to return to court in 90 days so we can determine how to proceed in your case. The specific dates that apply to your case will be provided to you when you select the traffic school option.

I HAVE READ THE ABOVE PROCEDURES AND ADVISEMENT OF RIGHTS AND I UNDERSTAND THEIR CONTENTS.

Dated: _____

Signature of Defendant

Phone Number: _____

Print Name

Signed for Defendant by Counsel for Defendant with Defendant’s Authorization [*Check if applicable*]

If defendant is not an English speaker, include the following:

I, _____, am fluent in written and spoken English and _____

languages. I accurately translated this document from English into _____

to defendant _____, on this date.

Date: _____

Interpreter