

EXPLANATION OF RIGHTS AND PLEA OF GUILTY
(Misdemeanors and Municipal Ordinance Violations - Circuit or District Court)

BY ENTERING A PLEA OF GUILTY IN THIS COURT, YOU ARE WAIVING YOUR RIGHT TO A TRIAL BEFORE THIS COURT AND THE FOLLOWING RIGHTS TO WHICH YOU WOULD OTHERWISE BE ENTITLED:

Under the Constitutions of the United States and the State of Alabama, you have a right or privilege not to be compelled to give evidence against yourself. In the trial of your case before the Court, you have the right to take the witness stand and to testify on your own behalf, if you so desire, but no one can require you to so testify. If you testify, you can be cross-examined by the prosecutor. If you do not testify no one can even comment as to your failure to testify. You have the right to remain silent, but anything that you voluntarily say, with knowledge of your rights, may be used against you. Your conversations with your attorney are confidential and cannot, and will not, be disclosed by your attorney.

You have the right to stand trial on your plea of not guilty and the right to a public trial before a judge. In a trial, the judge would determine whether you are guilty or whether you are not guilty, based upon the evidence in the case.

In the trial of your case, your attorney could subpoena witnesses on your behalf, make legal objections to matters that your attorney felt were incorrect or prejudicial, question witnesses for the prosecution, examine your own witnesses, and argue your case before the trial judge. Your attorney would be bound to do everything that he or she could honorably and reasonably do to see that you obtain a fair and impartial trial.

In the trial of your case, you will come into court presumed innocent and this presumption of innocence will follow you throughout the course of the trial until the evidence produced by the prosecution convinces the judge, beyond a reasonable doubt, of your guilt. The burden of proof is upon the prosecution to convince the judge, from the evidence in the case, that you are guilty beyond a reasonable doubt. If the prosecution does not meet such burden of proof, you must be found not guilty. You will have no burden of proof whatsoever in your trial.

You have the right to enter a plea of "guilty," "not guilty," "not guilty by reason of mental disease or defect," or "not guilty and guilty by reason of mental disease or defect."

IF YOU PLEAD GUILTY TO THE OFFENSE, THERE WILL BE NO TRIAL BEFORE A JUDGE OF THIS COURT AND YOU WILL BE WAIVING THE RIGHTS LISTED ABOVE.

You have the right to appeal de novo to the circuit court within 14 days from the entry of judgement by filing a notice of appeal and giving bond, with or without surety, approved by the court or the clerk of the court in an amount not more than twice the amount of the fine and costs, as fixed by the court, or in the event no fine is levied the bond shall be in an amount not to exceed \$1,000 as fixed by the court, conditioned upon your appearance before the circuit court. This bond may be waived if a satisfactory showing that you are indigent or otherwise unable to provide a surety bond. If an appeal bond is waived, and you have been sentenced to imprisonment, you will not be released from custody, but may obtain release at any time by filing a bond approved by the court.

If you are convicted of a misdemeanor crime of domestic violence, which has as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, against your current or former spouse; your child of whom you are a parent or guardian; a person with whom you share a child in common; a spouse, parent, or guardian with whom you are of have been co-habiting or to whom you are similarly situated, and you ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition, or if you receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce; YOU ARE SUBJECT TO BEING PROSECUTED IN FEDERAL COURT FOR VIOLATING 18 U.S.C. 922(g)(9).

If you are determined by the court to be indigent, counsel will be appointed to represent you on appeal if you so desire.

Except in minor misdemeanors (a misdemeanor offense or municipal ordinance violation for which the defendant will not be punished by a sentence of imprisonment), the court will go over these rights, as well as the nature of the charge and the material elements of the offense, with you. If you have any questions about any of them, upon your request, the judge will make a further explanation to you.

Date

Judge

I certify that the above rights were read to the defendant by me, that I discussed such rights with the defendant, in detail and that a copy of the rights was given to the defendant by me. Having gone over the defendant's rights and the consequences of entering a plea of guilty with the defendant, in my judgement, the defendant understands those rights and knowingly, intelligently and voluntarily waives the right to a trial and knowingly, voluntarily, and intelligently enters a plea of guilty.

Date

Attorney for Defendant

I state to the court that I have had the matters and rights set forth above read to me; that my attorney has discussed these matters and rights with me in detail and that I, the defendant, fully understand them; that I am not under the influence of any drugs, medicines or alcoholic beverages and have not been threatened or abused or offered any inducement or hope of reward to get me to plead guilty other than _____

I further state to the Court that I am guilty as charged in this case, desire to plead guilty, and knowingly, voluntarily and intelligently waive my right to a trial of this cause. I further state to the court that I am satisfied with my attorney's services and his/her handling of my case.

Date

Defendant