



City of Mobile

Explanation of Rights

Case No.: _____

AND

Offense : _____

V.

Plea of Guilty

Class : _____

Violation: _____

DEFENDANT

EXPLANATION OF RIGHTS AND PLEA OF GUILTY FOR MISDEMEANORS AND MUNICIPAL ORDINANCES VIOLATIONS

This is to inform you of your rights as a Defendant in this criminal case. You are charged with the offense of _____, a CLASS _____ Misdemeanor / Violation. In the event you plead guilty to the this offense, or if the Court finds that you are guilty of the offense, the law provides for punishment by imprisonment, which may include hard labor, for not less than _____ days nor more than _____ days for such offense and/or the imposition of a fine of not less than \$ - 0 - and not more than \$ _____; plus costs of court, fees and restitution. A conviction of certain offenses such as that of a Domestic Violence crime may subject you to termination of certain 2nd Amendment Constitutional Rights.

You have the right to an attorney of your choosing to represent you in these proceedings. If you want an attorney but cannot afford an attorney the Court will appoint an attorney to represent you upon finding that you are indigent, in cases for which the offense charged provides for possible or mandatory incarceration upon a finding of guilty.

Under the Constitution of the United States and the State of Alabama, you have a right to remain silent and to not be compelled to give evidence against yourself. In the trial of your case, you have the right to testify on your own behalf, if you so desire, but no one can require you to testify. If you testify, you can be cross-examined by the prosecutor. If you do not testify, no one can comment as to your failure to testify and the Court cannot make any inference from same or from your silence.

You have the right to enter a Plea of Guilty, Not Guilty or Not Guilty by reason of mental disease or defect. You have the right to stand on your Plea of Not Guilty, and the right to a public trial before a judge. In the trial of your case, you or your attorney have the right to subpoena witness to testify on your behalf, to make legal objections to matters that you feel are incorrect or prejudicial, to cross examine prosecution witnesses, to examine your own witnesses and to argue your case before the trial judge.

In the trial of your case, you will come before the Court clothed with the presumption of innocence and that you are not guilty. This presumption of innocence will follow you throughout the course of the trial unless the evidence produced by the prosecution convinces the judge, beyond a reasonable doubt, of your guilt. The burden of proving guilt beyond a reasonable doubt to the satisfaction of the trial judge is on the prosecution. When the prosecution does not meet such burden of proof, you must be found not guilty. You have no burden of proof whatsoever in your trial to prove that you are not guilty.

Upon a finding of Guilty; you have the right to appeal *de novo* to the Circuit Court within 14 days from the entry of judgment by filing a notice of appeal and giving bond, with or without surety, approved by the Court in an amount not more than twice the amount of fine and costs, as fixed by the Court, or, in the event no fine is levied, the bond shall be in an amount not exceeding \$1,000 as fixed by the Court, conditional upon your appearance before the Circuit Court. This bond may be waived upon a satisfactory showing that you are indigent or otherwise unable to provide a surety bond. If the appeal bond has not been waived and you have been sentenced to imprisonment, you will not be released from custody until such time as you have filed a bond approved by the Court. Counsel will be appointed to represent you on Appeal if you are determined to be indigent by the Court.

When you enter a Plea of Guilty; you are waiving your right to a trial and you are waiving your right of being presumed innocent.

You further Waive your Right to Appeal a finding of Guilty when you voluntarily enter a plea of guilty or when you plea guilty as part of a negotiated plea agreement. Your right to appeal is waived unless you expressly reserve the right to appeal with respect to a particular issue or issues, in which event appellate review shall be limited to the issue or issues reserved. Your right to appeal is waived unless you timely file a motion to withdraw the plea after pronouncement of sentence on the ground that the withdrawal is necessary to correct a manifest injustice and the Court has denied your motion to withdraw the plea or the motion has been denied by operation of law.

If you have the right to appeal under one of the conditions above and you are determined by the Court to be indigent, counsel will be appointed to represent you on appeal if you so desire. If you Appeal this case, you have the Right to Demand a Jury Trial if you so indicate your wish to assert this Right on the Notice of Appeal.

You understand that YOU ARE PLEADING GUILTY to this offense and THERE WILL BE NO TRIAL BEFORE THE JUDGE OF THIS COURT AND YOU WILL BE WAIVING THE RIGHTS ENUMERATED ABOVE, except your right to be represented by an attorney and you are WAIVING YOUR RIGHT TO APPEAL upon a voluntary plea or negotiated plea when you do not expressly reserve the right to appeal concerning certain issues to be heard by the appellate court.

The Court will go over these rights, the nature of the charge and the material elements of the offense and your Waiver of certain rights as stated above with you. You should direct any questions you may have concerning your rights and the rights you are waiving upon pleading guilty to the judge and further explanation will be made thereof to you.



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The Court, having personally addressed the Defendant, determines that the Defendant has entered the plea knowingly, intelligently, and voluntarily.

Date: _____ **Judge:** _____

Guilty Plea with Attorney:

Comes now the Defendant and his/her attorney and certify that the above rights were read by the Defendant or were read to him/her by his/her attorney, that the attorney discussed such rights with the Defendant in detail. Having gone over these rights and the consequences of entering a plea of guilty with the Defendant; the attorney is of the opinion that the Defendant understands these rights and knowingly, intelligently, and voluntarily waives his/her rights to trial and enters a plea of guilty. The Defendant states that he/she is not under the influence of any drugs, medicines, or alcoholic beverages that would impair said judgment and that he/she has not been threatened or abused or offered any inducement or reward to plead guilty.

Date: _____ **Attorney:** _____ **Defendant:** _____

Guilty Plea- Waiver of Attorney:

Comes now the Defendant in the above styled case and states to the Court that he/she has read the matters and rights herein above and/or had them read to him/her as set forth above and that the Defendant fully understands those rights and the waiver of those rights when pleading guilty unless expressly reserved as so stated above; that he/she desires to proceed without an attorney and further understands all rights that are being waived upon this Plea of Guilty which is knowingly, voluntarily and intelligently made and is so made not under the influence of any drugs, medicines, or alcoholic beverages and the Defendant has not been threatened or abused or offered any inducement or reward to get him/her to plead guilty. Defendant further states to the Court that he/she is guilty as charged in this case, desires to plead guilty, and knowingly, voluntarily and intelligently waives the right to a trial in this case and his/her rights to have an attorney represent him/her in this case.

Date: _____ **Defendant:** _____