



City of Mobile

**Explanation of Rights
AND
Stipulation to Prima Facie Case**

Case No.: _____
Offense: _____
_____ Class _____ Misdemeanor
_____ Violation

DEFENDANT

TO THE OFFENSE OF:

EXPLANATION OF RIGHTS AND STIPULATION TO PRIMA FACIE CASE FOR MISDEMEANORS AND MUNICIPAL ORDINANCE 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, pursuant to sec. 13A-6-22 ALA CODE 1975, which is a misdemeanor municipal ordinance violation, OR A VIOLATION, in the event you stipulate to the above 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 -0- 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 and restitution; except for Theft of Property cases, the fine may be up to \$1,000 and up to 180 days in jail plus costs of court and restitution. If convicted of a Domestic Violence crime, your 2nd Amendment Rights will be terminated pursuant to federal law. You may face up to five (5) years to life if in violation of Federal Domestic Violence Gun Laws.

Further you may be required to pay up to \$20.00 per day of costs of incarceration, plus actual medical expenses incurred by you, pursuant to section 14-6-22, ALA CODE 1975.

You have the right to an attorney of your choosing to represent you in these proceedings. If there is a strong likelihood that imprisonment will be a part of the punishment should you be convicted, and the court determines that you are indigent, an attorney will be appointed to represent you.

Under the Constitution 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, 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.

You have the right to stand on your pleas of not guilty, and the right to a public trial before a judge.

In the trial of your case, you or your attorney could subpoena witnesses on your behalf, make legal objections to matters that you feel are incorrect or prejudicial, question witnesses for the prosecution, examine your own witnesses, and argue your case before the trial judge. You have the right to have witnesses subpoenaed to testify as to pertinent facts in your favor.

In the trial of your case, you will come into court clothed with the presumption that you are not guilty 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. If 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 innocent.

To the charges set forth in the complaint you have the right to enter a plea of guilty, not guilty, or not guilty by reason of mental disease or defect. A Plea of Guilty will only be accepted by the Court if you are actually guilty of this offense and you do not desire a trial.

IF YOU STIPULATE TO THE OFFENSE, THERE WILL BE NO TRIAL BEFORE THE JUDGE OF THIS COURT AND YOU WILL BE WAIVING THE RIGHTS ENUMERATED ABOVE.

If you are found guilty in Municipal Court, you have 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.

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, please ask the undersigned Judge and further explanation will be made thereof to you.

Date: _____ Judge: _____

Stipulation to Prima Facie Case with Attorney:

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

Date: _____ Attorney: _____ Defendant: _____

Stipulation to Prima Facie Case- Waiver of Attorney:

Comes now the defendant in the above styled case and states to the Court that he has read, or had read to him, the matters and rights herein above set forth and that the defendant fully understands them; that he understands he has a right to an attorney to represent him in this matter and that he waives this right; that he is not under the influence of any drugs, medicines, or alcoholic beverages and has not been threatened or abused or offered any inducement or reward to get him to Stipulate. Defendant further states to the Court that he Stipulates to a Prima Facie case, and knowingly, voluntarily and intelligently waives his rights to a trial in this case and his rights to have an attorney represent him.

Date: _____ Defendant: _____