

IN THE MUNICIPAL COURT OF THE CITY OF MOBILE

City of Mobile

Vs.

Case No. _____

Explanation of Rights and Stipulation to a Prima Facie Case

TO THE ABOVE-NAMED DEFENDANT: The Court, having been informed that you wish to Stipulate to a Prima Facie case, hereby informs you of your rights as a defendant charged with a misdemeanor criminal offense or DUI offense.

RIGHTS YOU HAVE AND THE WAIVER OF YOUR RIGHTS.

- You have a right to be represented by a lawyer. If you cannot afford a lawyer, one will be appointed for the purpose of this stipulation/waiver.
- You have a right to remain silent and not be compelled to testify or give evidence against Yourself.
- You have a right to plead Not Guilty and demand a trial by a judge.
- You have a right to be confronted by those accusing you of the offense and you/your lawyer may cross-examine them.
- You have a right to have the City subpoena witnesses on your behalf to testify for you.
- You are presumed innocent until proven guilty by evidence beyond a reasonable doubt. You have no burden of proof.
- You have a right to appeal a conviction of guilt after a trial.

By Stipulating to a Prima Facie case, you are giving up all these Rights and there will be no trial, nor will there be an appeal if you are adjudicated guilty.

As the Defendant, you may be required to satisfy certain requirements ordered by the Court during a specified period of time. In the event you fail or refuse to successfully complete all requirements, including all financial responsibilities to the Court and Probation Department, a revocation/delinquency may be filed with the Court. A hearing will be set and the court will adjudicate you as charged, without a trial, based on the stipulation and impose a sentence, which you may not appeal.

Date: _____

Municipal Court Judge

Attorney's Certificate

I certify that my client read and/or was read and/or explained by me, this document. I discussed fully the rights and consequences of his/her stipulating to a prima facie case. In my judgment, the defendant understands the same and that he/she is knowingly, voluntarily and intelligently waiving his/her rights and entering a voluntary and intelligent stipulation. I further certify no one has in any way forced, coerced, or induced the defendant to Stipulate to a Prima Facie case.

Date: _____

Attorney

Defendant's Certificate of Waiver of Rights and Stipulation to a Prima Facie Case

I certify that I have read all matters set out above or have had them read to me and fully explained. I understand my rights and that I am waiving my rights. I understand the consequences of stipulating to a prima facie case.

I further state my desire to stipulate and that I made up my own mind to do so. No one has threatened, coerced or forced me to do so or offered any inducement, or hope of reward to do so. I have and do knowingly, intelligently, and voluntarily waive my rights to a trial and am satisfied with my attorney's services and his/her handling of my case.

Date: _____

Defendant

IN THE MOBILE MUNICIPAL COURT OF THE CITY OF MOBILE, ALABAMA

CITY OF MOBILE

vs.

CASE NO _____

DELAYED PROSECUTION ORDER

Defendant, accompanied by attorney, waived a trial and is ordered placed under the supervision of the City of Mobile Probation Department, with the terms and special conditions listed below, for a period of ____ YEAR OR ____ MONTHS. Defendant stipulated that the prosecution has satisfied the Court of a prima facie case of the offense with which he/she is charged, and upon which the court may, at any time, during said term or period of time, if the defendant fails to conform to this order in every respect, enter a verdict and judgement on said stipulation, and impose a sentence.

SPECIAL CONDITIONS OF PROBATION

____ Report to Probation office for one year or ____ months, as required by Probation Officer

____ Pay ALL cost incurred for rehabilitation/treatment programs and testing.

____ Participate in alcohol and/or substance evaluation;

____ If a DUI Stipulation, complete DUI School and any other treatment or programs;

____ If a DUI Stipulation, attend Victim Impact Panel and/or AA meetings;

____ Pay \$60.00 monthly to Mobile Probation Office;

____ Pay Costs of Court within 90 days;

____ Complete ____ hours of community service;

____ Other _____.

If, at the end of the one year or ____ month period, the defendant has discharged, in every way all conditions of this order the case will be dismissed. Upon completion of all requirements, the Probation Department may request such period be shortened.

Defendant, _____, in court.

Defendant's Attorney, _____, in court.

Assistant City Attorney, _____, in court.

DONE this ____ day of _____, 2020

Municipal Court Judge