

## INSTRUCTIONS FOR ARRAIGNMENT FOR ZOOM HEARING

You are all here tonight for arraignment, which is your opportunity to enter a plea of not guilty, guilty, or nolo contendere. If you need a Spanish-speaking interpreter, that will be provided for you shortly and these instructions will be read to you in Spanish. The process tonight will be different than how we typically hold Court given that we are conducting tonight's hearings via video conference. I am going to give you these instructions, then I will call the calendar and see who is present. I have muted all of the participants currently. When I call your name, please unmute yourself and let me know how you wish to proceed with your case. You have the following options: speak with the Solicitor to negotiate a closure of your case, speak with the Public Defender regarding any questions that you have about your case, enter a guilty or nolo contendere plea without speaking with the Solicitor or Public Defender, plead not guilty and request a bench trial, or plead not guilty and request a jury trial. Depending on your choice, I will direct you within the video conference to the appropriate person to handle your matter as quickly as possible. After you have completed your conversation with the Court, please mute yourself so we can hear the other participants when it is their time to speak. While we are on a video conference, this is still considered the Flowery Branch Municipal Court, therefore please conduct yourself accordingly. That means, you should not be eating, smoking, or going to the bathroom during the hearing. Additionally, you should be appropriately dressed throughout the hearing. Now I will turn to your legal rights.

You have the absolute right to plead not guilty to any charge filed against you. If you wish to remain silent, your plea will be considered to be not guilty, and I will bind your case over to Hall County State Court for further prosecution. In the event that you enter a not guilty plea tonight, you will have the right to request a bench trial or a jury trial. If you request a jury trial, then your case will be transferred to Hall County State Court for further prosecution. If you request a bench trial, then you will be given a court date to appear in the Flowery Branch Municipal Court for the bench trial of your case.

You have the right to be represented by an attorney, which is an attorney that you hire, or one that will be appointed for you in the event that you qualify for indigent counsel. If you wish to apply for a court-appointed attorney, please notify me and I will provide you with an application regarding an attorney being appointed. The Court will determine if you qualify for court-appointed counsel following the review of your application. Please be aware that the Court has the discretion to charge up to a \$50.00 application fee or require you to reimburse the City of Flowery Branch for a portion of your court-appointed attorney's fees in the event that you are convicted of your charges and you have an attorney appointed by the Court. The Court can not give you legal advice. In the event that you wish to be represented by an attorney prior to the close of your case, then you may enter a not guilty plea today and you will be placed on a trial calendar at which you may bring legal counsel with you. You will be given an opportunity to negotiate your case with the Solicitor, Ms. Bishop, if you wish. Please understand that she represents the City of Flowery Branch and their interests, therefore she is not allowed to give you any legal advice. The City has provided a public defender, Mr. Summer, who is a local defense attorney, who may provide you general legal advice

at no cost to you. Therefore, if you have questions that you do not wish to pose to the Court or to the Solicitor, then please do not hesitate to speak to Mr. Summer.

If you decide to enter a guilty or nolo contendere plea tonight, please understand that you are giving up certain rights, including the right to a trial by a jury, the right to make the City prove your guilt beyond a reasonable doubt, the right to see, hear, and cross-examine witnesses against yourself, the right to subpoena witnesses, to require that those witnesses appear in court to testify, whether they want to come to court or not, the right to the assistance of a lawyer at all stages of the proceedings, the right to court-appointed counsel if you qualify, and the right not to testify or incriminate yourself. Please understand that by addressing this Court, you are swearing to tell the truth, and anything you state to this Court is subject to the penalty of perjury in any proceeding challenging the entry of this plea.

Your sentence is solely in the Judge's discretion. Although you may have negotiated a recommended sentence with the Solicitor, please understand that I do not have to follow those recommendations and, if I do not follow those recommendations, that shall not be a basis for withdrawing your plea. This Court may sentence you up to the maximum sentence allowed by law, which is 12 months in jail, and up to a \$1,000.00 fine on most misdemeanor charges, \$5,000.00 on certain high and aggravated misdemeanors, and 6 months in jail, and up to a \$1,000.00 fine on any city ordinance violation.

Please be aware that there are court costs and surcharges that are added by statute to each fine sentenced on a criminal violation, therefore the amount you will be required to pay will be more than the amount that I announce as your sentence. Neither this Court, nor the courtroom personnel, has any control over the amount of those statutorily required fees. Those fees are set by the State and no one working in Flowery Branch Municipal Court can reduce those fees.

For those of you who are not U.S. Citizens, please be aware that an entry of a plea to any criminal charge may have a negative impact on your immigration status or your ability to remain in this country. Please understand that I am not allowed to provide you with any legal advice, therefore I will be unable to answer any questions regarding how your plea or sentence would affect your immigration status.

If you are sentenced to pay a fine tonight, you will be expected to pay the total amount due tonight, if possible. The Clerk of Court accepts credit or debit cards online. If you can not pay your fine by that method tonight, then we will discuss your other options for payment.

If you are convicted of your charges at the conclusion of your trial, you have thirty days to file an appeal of the decision in the Superior Court of Hall County. You have 180 days to file a habeas corpus petition regarding any conviction on a misdemeanor traffic citation and one year from the date of the conviction to file a habeas corpus petition on any non-traffic misdemeanor conviction.