

Municipal Court Misdemeanor Initial Appearance Opening Remarks

If you are charged with a crime, you will be asked whether you plead Guilty or Not Guilty.

Sometimes people want to complain about a law enforcement officer

Judges do **not** supervise law enforcement officers

These complaints must be directed to the law enforcement officer's supervisor

You have several Constitutional Rights:

To trial

To be represented by an attorney at every stage of the proceedings

To have an attorney appointed for you if you are indigent and facing jail time

To confront and cross-examine adverse witnesses (any witnesses against you)

To compel witnesses to appear to testify

Against self incrimination (not required to testify against yourself)

If you plead not guilty:

I am prohibited from listening to your side of the story today

A trial will be set for **another** day when the prosecutor will be present

If you fail to appear on your trial date

A warrant for your arrest may be issued

You may be prosecuted in your absence

If you plead guilty:

I will assess the penalty today

I must be satisfied that:

You are competent to understand the nature of the charge against you

You understand the nature and consequences of your plea

You understand:

Minimum and Maximum Fine

Minimum and Maximum Jail sentence

You understand that by pleading guilty you waive your constitutional rights

Your guilty plea is voluntarily and intelligently made

Voluntary - Not induced by fear, violence, deception, or improper inducements

There is a factual basis for the plea of guilty

Certain crimes are Enhanced Penalty crimes (the Penalty is increased for each subsequent conviction)

Examples: DUI, Possession of Marijuana, Possession of other Controlled Substance, Possession of Paraphernalia, Stalking, Domestic Violence, Shoplifting

Jail sentences

Certain crimes carry Mandatory Jail sentencing

Depending on the crime, all or part of a jail sentence may be suspended

If jail time is **not** suspended, you will be required to serve that jail time

If jail time is suspended, you aren't required to serve suspended jail time unless you:

Violate any conditions I order for the suspension of the jail time

Commit another crime

Fail to follow any order given by this court

For certain crimes you may be placed on probation

Unsupervised or Supervised

If the Probation is Supervised:

You must meet periodically with a probation officer

Probation costs _____ per month plus the costs of any random drug screens

If you violate probation, you:

May be required to serve any suspended jail time

May be required to pay any portion of the fine that has been suspended

May be charged with contempt of court, with possible penalties of:

Maximum 6 months jail

Maximum fine of \$1,000 plus court costs

If you are charged with more than one crime and if each carries potential jail sentence:

If you plead guilty or are found guilty:

Jail sentences can be:

Concurrent - Run at same time

Consecutive - Laid end to end (one sentence starts when other sentence completed)

If you are charged with **DUI** and you plead guilty, nolo contendere (no contest), or are found guilty at trial:

You will be ordered to attend MASEP class

School meets one night per week for four weeks

Costs \$ _____

Must be completed in order to get driver's license reinstated

You will be ordered to attend Victim's Impact Seminar

Seminar - Listen to people who have had family members injured or killed by drunk drivers

Costs \$ _____ if first offense and \$ _____ if second offense

Meets one night for about 4 hours

Your driver's license will be suspended by Dept Public Safety unless you have an ignition-interlock installed

If you are charged with possession of **marijuana** or **paraphernalia** or any **controlled substance** and you plead guilty, nolo contendere (no contest), or are found guilty at a trial:

You need to understand that the conviction may have a negative effect on your ability to receive **financial aid**

You must surrender your Mississippi driver's license to court (required - Court has no choice)

If you are licensed in another state, that state will be notified of your license suspension

Your driver's license or non-resident driving privileges will be suspended immediately for six months

If you are charged with **driving with a suspended license** and the license was suspended because of a **DUI** or possession of **marijuana** or possession of **paraphernalia** or possession of **any controlled substance**:

Your Driver's License will be suspended **again** (by Dept Public Safety - not this Court)

Dept Public Safety will send letter to you at the address found on your driver's license

Letter will inform you of the date your license will be suspended and length of suspension

If you are a **minor** charged with a **traffic offense** (other than a DUI or a violation of Uniform Controlled Substance):

If you plead guilty or nolo contendere (no contest) or are found guilty:

I may suspend your driver's license for up to ninety (90) days instead of convicting you

I may order you to complete a traffic safety violator course if you have a valid MS driver's license or permit

If you are an **adult** charged with a **traffic offense** other than a DUI:

If you plead guilty or nolo contendere (no contest):

You may be eligible to participate in a traffic safety violator course which would result in no record of the violation on your driving record if:

You have a valid Mississippi driver's license or permit

You have not received a traffic conviction within the last three (3) years

You have not completed such a traffic safety violator course within the last three (3) years

You fill out an affidavit

You pay the fine, costs, assessments, and an additional \$10 fee

Within 90 days, you provide proof that you completed the traffic safety violator course

If you are charged with **domestic violence** and you plead guilty or nolo contendere (no contest) or are found guilty at trial:

You forever lose your right to possess a firearm – even a hunting rifle

Possession of a firearm after being convicted of domestic violence is a violation of federal law

If you are **not a US citizen**:

You need to understand that a conviction may have a negative effect on your ability to remain in the United States

You have a right to **appeal** your conviction to the County Court

Within 30 days of the date of your conviction, in the County Court you must file:

Notice of appeal, Appearance bond, and Cost bond (minimum of \$100 to maximum of \$2,500 per conviction)