

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
The Justice Court 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 by jury
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 suspended, you aren't required to serve suspended jail time unless you:
Violate conditions of probation
Commit another crime
Fail to follow any order given by the court
If jail time is **not** suspended, you will be required to serve that jail time

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:
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
Maximum 6 months jail
Fine maximum 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 - not this Court)

If this is your first offense of DUI and you are not accused of refusing to take the breath test:

You may file a petition in Circuit Court asking that court to reduce suspension because of hardship

This court has **no authority** to handle a hardship request

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 this is your first offense:

You may file a petition in County Court or Circuit Court to reduce suspension because of hardship

This court has **no authority** to handle a hardship request

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 and other than violation 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)