

SUPERIOR COURT OF THE COUNTY OF SAN BERNARDINO, CALIFORNIA  
LEGAL RIGHTS OF A DEFENDANT CHARGED WITH A MISDEMEANOR OR INFRACTION

1. RIGHT TO KNOW THE CHARGE: You have a right to know what criminal charges have been filed against you.
2. RIGHT TO AN ATTORNEY: You have a right to be represented by an attorney at all stages of your case, including arraignment.
3. FREE ATTORNEY: You have the right to have an attorney appointed to represent you if you do not have the money to hire one (on Misdemeanor cases only.) (Upon conclusion of the criminal proceedings, the court shall, after a hearing, make a determination of your present ability to pay all or a portion of the cost of counsel. If the court determines that you have such present ability it shall order you to pay such cost. Such order shall have the same force and effect as a civil judgment and shall be subject to execution against your property or assets.)
4. CONTINUANCE AND DELAY: You have a right to a continuance (a delay) to obtain an attorney to prepare your defense.
5. RELEASE ON BAIL AND DETENTION HEARING: If you are in custody, you have the right to be released on your own recognizance or by posting reasonable bail. If you are not released on your own recognizance, you have the right to a hearing to determine if there is probable cause to continue you in custody subject to posting bail.
6. PROBABLE CAUSE HEARING: If you are in custody you have the right to demand a hearing as to whether there is probable cause to believe that an offense has been committed by you. This hearing must be made immediately at the time the motion is made, unless, for good cause, a continuance of not more than 3 days is granted. If probable cause is not found the offense must be dismissed.
7. PLEAS AVAILABLE: You have the right to enter the following pleas to charges pending against you: (a) Guilty, (b) Not Guilty, (c) Nolo Contendere (No Contest). A nolo contendere plea has the same effect as a guilty plea and will be accepted by the court as a guilty plea, but it cannot be used against you in a Civil suit. (d) Not Guilty by reason of insanity, (e) Not Guilty by reason of former jeopardy, (f) Not Guilty by reason of former judgment, (g) you may admit a prior, (h) you may deny a prior.
8. TRIAL BY JURY OR COURT: If you plead not guilty, you have the right to a public trial by jury (Misdemeanor cases only). Trial by jury requires presence of 12 impartial citizens who must all agree on your guilt or innocence to make a verdict.
9. CONFRONT WITNESSES: At any trial you have the right to confront, see, hear, and cross-examine all witnesses testifying against you.
10. SUBPOENA WITNESSES: At any trial, without cost, to have this court issue subpoenas to require all favorable witnesses testify on your behalf.
11. NO SELF-INCRIMINATION: At any trial you have the right to remain silent and refuse to take the witness stand and to refrain from incriminating yourself. Such silence cannot be held against you. You have this right on the issue of guilt. If you elect, you can testify on your own behalf.
12. SPEEDY TRIAL: you have the right to have your trial:
  - (a) within 30 days of your first appearance in court if you are in jail, or:
  - (b) within 45 days of your first appearance in court if you are not in jail, and if good cause is not shown, the charges must be dismissed if trial is not afforded you within the times specified.
13. RIGHT TO KNOW PENALTY: You have the right to know the maximum penalty for each offense charged against you.
  - (a) If you are convicted of a misdemeanor, each offense carries a maximum penalty of 1 year in the county jail, a \$2000 fine or both. Some misdemeanor charges may have a lesser maximum penalty.
  - (b) Some misdemeanor charges carry a minimum sentence that must be imposed by the court. You will be advised of the minimum on each charge individually.
  - (c) If you are convicted of an infraction, each offense carries a maximum penalty of a fine only.
  - (d) If you are convicted of a sex offense, you will be required to register as a sex offender under Section 290 of the Penal Code.
  - (e) If you are convicted of possessing, using, cultivating, selling, or transporting a controlled substance (narcotic, drug or marijuana) you will be required to register as a narcotic offender under Section 11590 of the Health and Safety Code.
  - (f) If you are an alien a conviction for a crime could result in deportation or exclusion from admission to the U.S., or denial or naturalization as a citizen of the U.S.
  - (g) If you are granted probation, unless the court finds compelling or extraordinary circumstances to the contrary, you will be ordered to make restitution (pay damages) to the victim or restitution fund or do community service in lieu of payment.
14. CONTINUANCE OR DELAY FOR SENTENCING: If you plead guilty, nolo contendere (no contest) or are found guilty, you have the right to be sentenced not less than 6 hours nor more than 5 days after you plead or are found guilty unless you waive (give up) the statutory time for sentencing.
15. SEPARATE COUNSEL OR TRIAL: If you are charged jointly with a co-defendant, you may be entitled to separate attorney and/or a separate trial if conflict exists between you.
16. PRIORS: If charged with a prior conviction of some offense, your right to a jury trial, to confront witnesses, to subpoena witnesses and your right against incrimination, as to validity of such prior, exist separate from the same rights relating to your guilt on the new charge.
17. PRESUMPTION OF INNOCENCE: You are presumed innocent until proven guilty beyond a reasonable doubt.
18. COURT COSTS: Depending on your ability to pay, you may be charged for probation/court costs, pursuant to Penal Code Section 1203.1b.

DO NOT SIGN THIS STATEMENT UNLESS YOU FULLY UNDERSTAND IT

I represent to the Court that I have read and fully understand the foregoing statement of my legal rights.

Dated 5/20/2013 Signature of Defendant John F. Osharaban

I declare under penalty of perjury that I have interpreted this Legal Rights form from the English language into the \_\_\_\_\_ language and I represent the Court to the defendant understood my translation.

Dated \_\_\_\_\_ Signature of Interpreter \_\_\_\_\_

CERTIFICATION

I certify that the defendant handed to me the foregoing statement and he stated to me that he did read the foregoing statement and understood the same and this statement is hereby made a part of the docket.

Dated \_\_\_\_\_ Initialed by \_\_\_\_\_ Judge