**INFORMATION REGARDING YOUR APPEARANCE IN TRAFFIC COURT**

Probate Court handles traffic citations, game and fish violations, and other misdemeanor cases. On your court date, you will have the opportunity to simply pay your ticket, apply with the public defender, or speak with the prosecutor about your case.

**CHECK-IN PROCESS:**

Before entering into the Courtroom, you must check in with the Clerks who are stationed outside the courtroom in the hallway. If you do not check in with the clerk, the calling of your case may be substantially delayed. You will be asked to provide your name and indicate the type of plea you intend to enter (not guilty, guilty, or NOLO). If you are seeking a reduction in your case of any type, you must ask to speak with the public defender or the prosecutor. Please keep in mind that you must qualify for the public defender and you are not automatically entitled to his/her services. The clerks and judges may not negotiate with you concerning your case and they cannot discuss your case with you. It is strongly suggested that you speak with an attorney if you wish to dispute your case. Also, the judge has the discretion to accept or deny any negotiated plea.

The purpose of the arraignment is to officially notify you of the charges against you, to make sure you understand your rights, and to allow the entry of a plea of either guilty, not guilty, or NOLO to your charges. Be advised that the court uses discretion in accepting NOLO pleas.

**YOUR RIGHTS:**

You have the right to represent yourself; however, it could be extremely disadvantageous to proceed without an attorney - even on what may seem to be a very simple case, such as a speeding citation. Most misdemeanor cases can carry a maximum punishment of up to a $1000.00 fine and 12 months incarceration.

Each person charged with a violation has the absolute right to have an attorney to represent you. If you cannot afford an attorney and wish for representation, one MAY be appointed to represent you. You may qualify for the public defender if you are deemed as indigent. To be represented by the public defender, you must first complete an affidavit to see if you qualify as indigent, in other words - legitimately not able to afford your own attorney. If you do not qualify for the public defender and still wish to be represented by an attorney, you must ask the court for a continuance in order to hire your own attorney. Keep in mind that the court will generally grant only one continuance in your case.

You are presumed innocent and the burden is on the state to prove the case against you beyond a reasonable doubt.

You do not have to testify during the proceedings. You have the right not to testify and the right not to incriminate yourself. If you decide not to testify, no assumption is made by the court that you are guilty of any offense, whatsoever. In other words, no conclusions are made against you because of your decision not to testify. On the other hand, you have the right to testify if you so desire. If you decide to testify or speak at any time during the court proceedings, you need to understand that anything you say can be used against you. The proceedings in the Madison County Probate Court are recorded.

Each case heard by the Madison County Probate Court is a misdemeanor offense, and violation of state statute. As an accused charged with a state offense, you have the right to a speedy and public trial, and the right to have your case heard by a jury in the superior court. If you want a trial by jury, you should tell the court clerk upon check-in. If you elect to have a jury trial, your case (and bond, if any) will be immediately transferred to the Madison County Superior Court. You will be notified by mail (at the address listed on the bond contract or citation) of your appearance date in Superior Court. You must appear before the Judge to formally enter your plea of not guilty and jury trial request.

**NON\_CITIZENS:**

If you are not a US citizen, you need to understand that a guilty plea or verdict may impact your immigration status.

**PERSONS ON ACTIVE PROBATION OR PAROLE:**

If you are currently on probation or parole, a guilty plea or verdict may be grounds for a violation of probation or parole.

**SUSPENSION OF DRIVERS LICENSE:**

A guilty plea, or a conviction of certain charges, such as NO INSURANCE, SUSPENDED REGISTRATION, DRIVING UNDER THE INFLUENCE, HIT AND RUN, many CHARGES IF YOU ARE UNDER THE AGE OF 21, and certain other charges can and will result in the suspension of your driver’s license by the state of GA. If you are under 21 years old, convictions on certain charges will result in a license suspension by the state. If you are under 21, please be sure to make us aware of this fact when you come forward on your case.

**SPEEDING CITATIONS:**

If you are charged with a speeding violation, and you were allegedly traveling 75 miles per hour or more on a two lane road or 85 miles per hour or more on a four lane road, you are automatically charged as a super speeder. If you plead guilty or are convicted, there will be assessed additional fees by the state of Georgia Department of Drivers Services. Notification of these additional fees will be by mail at the address listed on your driver’s license. This Court has nothing to do with the assessment of super speeder fees imposed by the state. These fees are totally separate from fines imposed by the court.

**BENCH TRIALS:**

All Defendants have the right to enter a plea of not guilty and have a bench trial in the probate court. If you request a bench trial, it will be scheduled to take place on the next court date, after the arraignments. You may present evidence, call witnesses, and testify at your hearing if you so desire. Witness subpoenas may be obtained by you from the clerk of our court. If you desire to enter a plea of not guilty, tell the court clerk upon checking in. You will be given instructions to appear for your trial date and most likely will have to appear before the judge for the formal entry of your not guilty plea.

**CONTINUANCES:**

Usually, the Court will only grant one continuance in your case. If a continuance is granted, you must appear in Court on the date specified by the Judge or Clerk. Your failure to appear on the specified date will result in the issuance of a bench warrant and the suspension of your driver’s license.

**COURT OFFICIALS:**

The judge and clerks of the court, by law, cannot be involved in the negotiation of your case and cannot give legal advice. The clerks will gladly answer any procedural questions they are authorized by law to answer.

**SENTENCING:**

If you plead guilty or found guilty on your case, the court has the authority to impose a sentence (on each individual charge) of a fine up to $1,000.00 and up to 12 months in jail, or both - unless you have been charged with a misdemeanor of a high and aggravated nature which can usually carry a sentence of up to a $5,000.00 fine and up to 12 months in jail, or both. Part of your sentence, in the secretion of the judge, may be probated or suspended. Some sentences require, by law, mandatory jail time (such as with DUI and Suspended License sentences).

**APPEALS:**

Any final decision, judgment, or sentence made by this court concerning your case may be appealed to the Superior Court. Strict timelines govern the appeal process and it is highly suggested that you immediately retain an attorney if you wish to appeal a decision of this court. There is no standard form for an appeal.

**PROBATION:**

In some cases, if you cannot pay your fine, you may be placed on probation so that your fine can be paid over time. As an alternative, the court may consider community service in lieu of fines with minor violations. If placed on probation, there are additional probation supervision fees that are assessed. In most cases once the conditions have been met, probation will terminate. The court will work with you on minor cases to avoid probation – in most cases.

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In some minor cases, your case may be disposed of by the clerks without you having to appear before the judge. You must appear before the judge if you were initially arrested.

There are many cases on the calendar and the court will process the cases as expeditiously as possible. During court, please refrain from loud conversation and please turn off your cell phone.

The clerks will gladly attempt to answer any procedural questions that they are authorized by law to answer but may not give legal advice.

CODY CROSS, JUDGE

MADISON COUNTY, GA