

YOUR RIGHTS IN TRAFFIC COURT

You have been charged with a violation of the traffic laws of the State of Illinois. It is important that you understand your rights. The judge will talk to you individually about your case. If you have any questions about the charge against you, the possible sentence you could receive or your legal rights, please feel free to ask. Take a few minutes to read this to help you understand the traffic court procedures better and to reduce the amount of time which you must spend in court.

MAKE SURE YOU ARE IN THE RIGHT PLACE AT THE RIGHT TIME

Look all the way to the bottom of your traffic ticket. There is one large rectangular box with two small boxes inside telling you whether a court appearance is required or not. If the box next to the statement "no court appearance required" is marked, do not go into the courtroom unless you have already spoken with one of the circuit clerks at the Traffic Clerk's window to make sure that you can appear in court now. If your ticket does not require a court appearance and you do not check in at the window before entering the courtroom, the judge will not know that you are in the courtroom and your case will not be called or heard by the judge.

WHAT WILL HAPPEN IN COURT

The judge will call your name and the number of your case. When your case is called, please step in front of the judge. The first thing that will happen is the judge will tell you what you are charged with and the possible penalties you may receive if you are found guilty or plead guilty. It is very important that you understand the charge and the possible penalties. If you have any questions about the charge or the penalties, this is the time to ask.

YOUR RIGHT TO AN ATTORNEY

After the judge has explained the charge(s) against you and the possible penalties, the judge will ask you if you wish to have an attorney represent you or whether you wish to represent yourself.

If the offense with which you are charged with carries a possible jail sentence, you have an absolute right to an attorney. If you are what is considered "indigent," that is, if you do not have enough income or money to hire your own lawyer, the judge will appoint a lawyer for you if you request a lawyer. If you ask the judge to appoint a lawyer, you will be asked to complete a financial affidavit, under oath, so that the judge may determine whether you meet the standard to have an appointed attorney. If the judge appoints a lawyer for you, you may be required to pay a reasonable fee to Champaign County for the services of that lawyer. If you fail to make the payments that are ordered, you may be found to be in contempt of court and possibly sentenced to jail. If you have questions about your right to an attorney, please ask. If you need time to hire an attorney of your own choosing, you will be given time to hire an attorney.

If the offense with which you are charged does not carry the possibility of a jail sentence but carries a fine only, the judge cannot appoint a lawyer for you. You have the right to be represented by a lawyer, but you must obtain your own lawyer. If you wish to represent yourself without a lawyer, you have that right as well.

If you wish to speak to a lawyer before going any further with your case, be sure to tell the judge and you will be given at least one week to speak with an attorney.

PLEADING GUILTY OR NOT GUILTY

If you tell the judge that you do not wish time to speak with a lawyer and you wish to represent yourself, the judge will ask you whether you wish to plead guilty or not guilty. By pleading guilty, you give up your right to a trial and agree to be sentenced. Thus, it is very important that you understand your rights with respect to a trial.

YOUR RIGHT TO A JURY TRIAL

If you wish to plead not guilty, you have the right to a jury trial. In a jury trial, twelve people from the list of valid driver's license holders and registered voters in Champaign County are selected at random. Once the jury has been chosen, they will hear evidence and decide whether or not you are guilty beyond a reasonable doubt. Unless all twelve are convinced beyond a reasonable doubt, you cannot be found guilty. If you wish a jury trial, the judge will schedule the case for a docket call. If you are not represented by an attorney, you must appear at the docket call. At the docket call, the judge will schedule a specific date for your trial.

If you do request a jury trial and are not represented by an attorney, please be aware that you will be acting as your own attorney. You will be responsible for jury selection, to inform the jurors as to the appropriate law, and to follow all the rules of evidence and procedures that a lawyer would have to follow.

YOUR RIGHT TO A BENCH TRIAL

You may give up your right to a jury trial and have a trial before a judge alone, which is called a bench trial. If you wish a bench trial, the Circuit Clerk's office will schedule the case for trial and notify you by mail of the date and time of your trial.

If you are charged with an offense where jail is not a possible penalty and the ticket is one where no court appearance is required, you may request a bench trial at the Traffic Clerk's window outside of the courtroom.

If your address changes, it is your responsibility to inform the Circuit Clerk's office in writing of your current address, also including your case number(s). This will help insure that your notice is sent to the correct address.

YOUR RIGHTS AT TRIAL

Regardless of which type of trial you choose, you have the following rights at trial: The burden is on the prosecution to prove you guilty beyond a reasonable doubt. That burden is not on you to prove your innocence.

You have the right to see and hear the witnesses testify against you and the right to cross-examine those witnesses, that is, to ask them appropriate questions to test whether or not they are testifying truthfully and accurately.

You have the right to present evidence and witnesses on your behalf. If you wish, these witnesses can be subpoenaed or ordered to appear on the date and time of your trial.

You have the right to testify on your own behalf, if you so desire. However, if you do not wish to testify or to answer any questions about the incident, no one can force you to answer any questions and the judge or jury cannot assume you are guilty simply because you do not testify.

YOUR RIGHTS UPON A GUILTY PLEA

If you wish to give up all rights already described and plead guilty in a fine-only matter, you may do so. A hearing will be held immediately to determine how much the fine should be. You will also be required to pay court costs. The judge may ask you about the offense and your driving record. The State may be asked to suggest a fine.

If appropriate, you may ask the judge to consider court supervision. If you are placed on court supervision and complete its term successfully, this ticket will not go against your driving record. If you are placed on court supervision, you will be given time to pay your fines and costs. If you do not pay them within the allotted time, or if you receive another traffic ticket, you can lose your sentence of court supervision and have a moving violation entered against your driving record.

If your ticket is not marked as a ticket requiring a court appearance and you are not charged with speeding more than 20 miles per hour over the speed limit, the easiest way to be placed on court supervision (if you qualify) is to take the Traffic Safety Program. To see if you qualify for the program, you can obtain a registration form that lists the eligibility requirements from the Circuit Clerk's office.

YOUR RIGHT TO APPEAL

You may ask to withdraw your guilty plea within 30 days of pleading guilty. You must request this in writing and state all of your reasons. Any reasons not placed in your motion cannot be used for appeal. If you are allowed to withdraw your plea, any tickets dismissed could be reinstated. If you do not file this motion or request a review of your sentence within 30 days of your court appearance date, you lose your right to appeal.

WAIVER OF RIGHTS AND GUILTY PLEA

If you wish to plead guilty, PLEASE SIGN THE FOLLOWING STATEMENT:

I HAVE READ AND UNDERSTAND ALL OF MY RIGHTS INCLUDING MY RIGHT TO AN ATTORNEY, TO A JURY OR BENCH TRIAL, AND WISH TO GIVE UP ALL OF THESE RIGHTS, EXCEPT MY RIGHT TO APPEAL. I AM PLEADING GUILTY OF MY OWN FREE WILL. NO ONE HAS FORCED, THREATENED OR COERCED ME IN ANY WAY TO PLEAD GUILTY.

CHARGE: _____

FINE: \$ _____ PLUS COURT COSTS
(The Judge will fill in the amount of fine)

Defendant's Signature

Date