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| SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO <input type="checkbox"/> CENTRAL DIVISION, KEARNY MESA, 8950 CLAIREMONT MESA BLVD., SAN DIEGO, CA 92123 <input type="checkbox"/> EAST COUNTY DIVISION, 250 E. MAIN ST., EL CAJON, CA 92020 <input type="checkbox"/> NORTH COUNTY DIVISION, 325 S. MELROSE DR., VISTA, CA 92081 <input type="checkbox"/> SOUTH COUNTY DIVISION, 500 3RD AVE., CHULA VISTA, CA 91910 | <i>FOR COURT USE ONLY</i> |
| PLAINTIFF THE PEOPLE OF THE STATE OF CALIFORNIA | |
| DEFENDANT | |
| REQUEST FOR ARRAIGNMENT AND TRIAL ON SAME DATE – INFRACTION(S) | CASE NUMBER |

You are entitled to appear in court to be informed of the charges against you, to be advised of your rights and to enter a plea. This procedure is called an arraignment. If you wish to contest the infraction charges against you, you may ask the clerk to set your case for arraignment and trial on the same date by completing this form. This will permit you to have your trial without making a separate appearance before the court for arraignment. In order to make this request, full bail must be posted (Veh. Code § 40519(a)).

Sign and return on or before your court date:

I have read and understand the above information, and the information and rights listed on the second page of this form.

I intend to plead not guilty, and I request that my case be set for arraignment and trial on the same date (Veh. Code § 40519(a)).

I understand that my request for arraignment and trial on the same date will be deemed a written promise to appear at the time designated by the court for trial (Veh. Code § 40519(c)).

I understand that failure to appear may result in a warrant for my arrest and/or the suspension of my driver license. My case may also be referred to a collection agency and up to a \$300 civil assessment may be imposed pursuant to Pen. Code § 1214.1. In addition, if a civil assessment is imposed, I may be subject to wage garnishments and bank levies through the Franchise Tax Board Court Ordered Debt Collection Program.

| | | |
|-----------------------------|--------------------------|-------------|
| Name of Defendant (printed) | Signature of Defendant | Date |
| Street Address | Home: _____ | Cell: _____ |
| | Telephone Number(s) | |
| City, State, Zip Code | Email Address (optional) | |

FOR COURT USE ONLY

Arraignment and Court Trial set on: _____ at: _____ a.m. p.m. in Dept.: _____

at the location indicated above. Bail posted in the amount of \$ _____.

Appearance is mandatory on this case and bail forfeiture option noted on reverse is NOT applicable.

NOTICE: SEE SECOND PAGE FOR ADDITIONAL COURT TRIAL INFORMATION.

Clerk of the Superior Court

Date: _____ by _____, Deputy

CERTIFICATE OF SERVICE

I certify that I am not a party to the above-entitled cause, that I placed a copy of this form in a sealed envelope addressed to the party shown above with postage prepaid, and deposited it in the United States mail at Chula Vista El Cajon San Diego Vista, California.

Clerk of the Superior Court

Date: _____ by _____, Deputy

YOU HAVE THE FOLLOWING CONSTITUTIONAL RIGHTS

1. **The right to a speedy and public trial.** You have the right to a court trial within 45 calendar days from the arraignment date (30 days if you are in custody). You are not entitled to a jury trial on an infraction.
2. **The right to remain silent and not incriminate yourself.**
3. **The right to confront and cross-examine all witnesses against you.**
4. **The right at the trial to present evidence in your favor which includes the right to have witnesses subpoenaed to testify on your behalf and to obtain all evidence that may exonerate you.** If you have witnesses, you must arrange for their appearance at the trial. If the witness will not appear voluntarily to testify on your behalf, you may ask the court for subpoenas requiring them to be present at the trial. You must ask for subpoenas at least 10 days before the trial date.
5. **The right to have an attorney defend you at all stages of the proceedings for a criminal case.** While you have the right to employ counsel, you do not have the right in infraction cases to a court-appointed attorney unless you are in custody on the infraction (Pen. Code § 19.6). If you are represented by an attorney, he or she must appear with you on the trial date.

If charged with an infraction violation of Pen. Code §§ 193.8, 272(b)(1), 330, 415, 485, 490.1, 490.7, 555, 532b(c), 602(o), 602.13, or 853.7; Bus. & Prof. Code §§ 2052, 2054, 2630, 2903, 3660, 3760, 3761, 4080, 4825, 4935, 4980, 4996, 5536, 6704, 6980.10, 7317, 7502, 7574.10, 7582, 7592, 7520, 7617, 7641, 7872(a), 8016, 8505, 8725, 9681, 9840, 9891.24(c), 19049, 21672, 25658(b), 25661 or 25662; Gov. Code § 27204; or Veh. Code §§ 5201.1, 12500, 14601.1, 23109(c), 27150.1, 40508 or 42005: you have the right to elect to have the case proceed as a misdemeanor and, if you so elect, you would have all the rights and be subject to the potential penalties associated with a misdemeanor prosecution, and you will be ordered to appear in court on a future date. The prosecuting agency may not have reviewed your case before the Citation/Notice to Appear was filed with the court and if you elect to proceed as a misdemeanor, the prosecuting agency might review your case and add, delete, or amend the charges.

By filing a request for arraignment and trial on the same date in a case charging an infraction listed above, you will be deemed to have waived your right to have your case proceed as a misdemeanor.

FINANCIAL HARDSHIP/INABILITY TO PAY

If you have a financial hardship and can show that you are unable to pay the full amount for the offenses on your traffic ticket, you may request the court to consider your ability to pay in setting or reducing the fine amount, requesting an installment payment plan, or considering community service. You can do this by appearing in court to make this request (an appointment to appear in court may be necessary) or filing or mailing a written request to the Court.

COURT TRIAL INFORMATION

- When you appear on your scheduled date for arraignment/trial DO NOT stand in line or check in with the Clerk's office. Go directly to the courtroom designated on the front of this document at the specified time.
- If it is necessary to change your court arraignment/trial date, you must appear in court by 10:00 a.m. at least two (2) court days before the scheduled date.
- If you fail to appear at your arraignment/trial, the court may (1) order any posted bail forfeited; (2) issue a bench warrant; (3) proceed with the trial and judgment in your absence; (4) impose up to a \$300 civil assessment; (5) suspend your driver license, and/or (6) continue the arraignment/trial date.
- If you wish to forfeit bail to settle your case and not appear for your arraignment and trial, sign and date below and mail this copy to the court location indicated on page one. The court must receive this request by 10:00 a.m. at least two (2) court days before your arraignment/trial date. This request will be deemed a waiver of the rights listed above. ***This option is NOT available if your appearance is mandatory*** (as noted on page one).

Date: _____

Signature