

Welcome to the state court of DeKalb County - Division B.

The advent of the Covid-19 pandemic has forced the entire world to conduct business and government affairs in a much different way. Therefore, you may have been summoned to appear before the court virtually, utilizing technology in the safety of your home, or you may have an in-court appearance in a mandated safe distance from others in the courtroom.

All cases appearing before the state court are criminal misdemeanors charges, meaning that the maximum penalty that may be imposed against you is \$1,000 and or 12 months of incarceration, for each offense. If you are charged with a high and aggravated misdemeanor, you may receive a maximum fine of \$5,000 and or 12 months of incarceration.

You have the right to hire a private attorney to assist you in resolving your case, or you may request representation from the office of the public defender, if your income level qualifies for their services. In certain circumstances, the court may appoint a public defender attorney to represent a defendant.

An attorney may explain the charges against you and any defenses that may be available. An attorney may file motions on your behalf and assist you gathering evidence, preparing for trial and representing you at a trial. If convicted, an attorney may file an appeal, or motion for a new trial on your behalf.

You also have to the right to represent yourself, which means that you are proceeding, ***pro se***.

The constitution gives you a presumption of innocence. The state has the burden to prove your guilt beyond a reasonable doubt.

You may enter a plea of not guilty and request a trial before a judge, or a jury; or you may enter a plea of guilty, whereupon the judge may accept the plea and impose a fine, and or sentence of incarceration. The judge will determine whether you may serve that sentence outside of jail, under the supervision of the department of probation. If you are placed on probation, you may not violate the laws of any city or any county, or any special conditions of your probation. If you violate your probation, it may be revoked, which could result in jail time for you.

You also, may enter a plea of nolo contendere, a term which means that you do not admit to the charges against you, nor you do contest the charges. In certain circumstances a plea of nolo contendere may prevent points from being assessed against your drivers license. However, for the purposes of sentencing, you are sentenced the same as having entered a guilty plea. You may enter a plea of nolo contendere once every 5 years, for certain offenses.

Please be advised that the police officer who issued the citation for you to appear in court, as well as the office of the solicitor general, who is the prosecutor assigned to your case, both serve under the executive branch of government, generally referred to as the “state”. The state may summarily dismiss the charges against you.

You also may provide documents or information and negotiate with the state to reduce the fine and or sentence in your case. If you enter a negotiated plea with the state, the court, as the judicial branch of government, has the authority to accept the plea and impose a sentence, or reject the plea. If the plea is rejected, you may negotiate further with the state, or request a trial. This process will be monitored by a staff attorney who may contact you to assist you in completing the process.

You have previously received a written notification of your rights by email, or through the postal service, along with a plea in absentia form, if you are appearing remotely, or a document provided to you in court, known as a “record of defendant, prior to entering a plea”, which advises you of your rights and advises the court how you wish to proceed with your case.

By entering a plea, you will be waiving, or giving up your constitutional rights to a trial by a jury, or by a judge.

However, in order for the court to accept your plea, the court must determine whether a “factual basis” exists by reviewing your plea and responses, to ensure that you understand your constitutional rights. Also, that you are voluntarily, knowingly and intelligently admitting to the charges, as may be amended, and waiving your right to a trial.

Therefore, please be specifically advised of your rights as follows:

- You have the right to be presumed innocent;
- You have the right for the state to prove your guilt beyond a reasonable doubt;
- You have the right to be represented by an attorney, to include an immigration attorney, if you are not a citizen of the united states;
- You have the right to confront and cross examine witnesses;
- You have the right to testify on your own behalf and to bring witnesses to testify in your defense, with or without the need for a subpoena;
- You have the right to remain silent;
- You have the right not to have your silence used against you; and
- You have the right to present any admissible evidence in your defense.

I will reiterate that if you are not a citizen of the United States, be advised that by entering a plea of guilty, or nolo contendere in this court could adversely impact your immigration status, which could include deportation. Therefore, you have a right to meet with an immigration attorney to discuss your case before entering a plea before the court.

Also, if you are currently on probation or parole, entering a plea of guilty or nolo contendere in this court could adversely impact your probation status. The agency currently supervising you for that prior offense, or your attorney may advise you what impact, if any such a plea may have on your probation status.

However, if you wish to contest the charges against you, by entering a plea of “not guilty”, you will then be given a notice for trial, by a judge or a jury, on a date that all witnesses and the police officers are available to testify. You are expected to be adequately prepared to defend your case at that time with any witnesses and documents that you may need. Be advised that court staff are prohibited from assisting you in presenting your case before the court.

Thank you for your attention, patience and cooperation during this session of court. We trust that this process is helpful to you in understanding your rights and responsibilities in resolving your case in a safe and expedient manner, whether virtually, or physically in the courtroom.

The state court citation online resolution system is user-friendly and self explanatory, as you click through the various prompts and enter the required information.

Thank you