

# IN MUNICIPAL COURT, CITY OF FARGO, STATE OF NORTH DAKOTA

## NOTIFICATION OF RIGHTS AND ACKNOWLEDGMENT

City of Fargo vs. \_\_\_\_\_

Case No and Charge \_\_\_\_\_

**Maximum Penalty: Class B Misdemeanor - 30 days imprisonment and a \$1,500 fine.**

**Infraction - \$1000.00 fine**

### YOU HAVE THE FOLLOWING RIGHTS:

1. To be informed of the nature of the charge against you.
2. To be informed of the maximum and minimum penalties that may be imposed if you are convicted or if you plead guilty to the offense.
3. Against self-incrimination, which means that you have the right to remain silent, and to know that any statement made by you may be used against you in a criminal prosecution. At trial, you may testify or not testify as you choose.
4. You have the right to be represented by an attorney at trial and at every other stage of the proceeding and, if you cannot afford legal counsel, you have the right to have counsel appointed to represent you at public expense. **(Appointed counsel is not available if the offense is an infraction.)**
5. To be admitted to bail pursuant to the provisions of N.D.Crim.P. 46. (Conditions which reasonably assure your appearance at all court proceedings).
6. To enter a plea of either guilty or not guilty and to persist in a plea of not guilty.
7. To be presumed innocent. You may be convicted only if the city proves beyond a reasonable doubt that you have committed each and every element of the offense.
8. To confront and cross-examine in court the witnesses against you. To present witnesses to testify on your behalf and to use this court's subpoena power to have witnesses appear at trial on your behalf.
9. To have a trial by a jury in district court if you make a **written request for jury trial within 28 days following a plea of not guilty.** If your case remains in municipal court and you are found guilty by a judge you may appeal to the district court for a new trial before a judge. **(A jury is not available for the trial of an infraction).**

**If you plead guilty, there will be no trial of any kind. By pleading guilty, you give up your right to a trial and to an appeal, to confront the witnesses against you, and your privilege against self-incrimination.**

**NOTE: If you fail to appear for a scheduled court date, your bond will be forfeited, a conviction (where authorized by statute) may be entered against you on the pending charge pursuant to Section 39-06-30, North Dakota Century Code, and a warrant may issue for your arrest.**

\_\_\_\_\_  
Defendant's signature

\_\_\_\_\_  
Date