

JACKSON COUNTY CIRCUIT COURT  
STATEMENT OF RIGHTS

Before we begin, I would like to advise each of you of certain legal rights that you have in connection with your case and your court appearance here today.

You have the right to remain silent; to not incriminate yourself. Anything you say can be used against you to convict you of a crime.

You have the right to have an attorney represent you before proceeding further, and if you are charged with a crime or probation violation -- that could potentially lead to a jail term--and cannot afford an attorney, then the court would appoint one to represent you.

An attorney in all likelihood has education and experience you don't have. An attorney may have a greater ability to negotiate your case with the District Attorney. They have the training and ability to recognize issues concerning the legality of any seizures of evidence, the circumstances surrounding your arrest, and/or the use of any statements you may have given. An attorney has the ability and training to select a jury, try your case, advise you concerning the laws governing the use of evidence at trial, and to otherwise provide you with effective assistance of counsel.

If you are charged with a crime, you have the right to have a

trial before a jury. At that trial the State would be required to prove your guilt beyond a reasonable doubt. At the trial you would have a right to confront, cross-examine or question any witnesses who testify against you, and you would have the right to compel or require witnesses to appear on your behalf by issuing subpoenas. At the trial you would have a right to testify or make the decision not to testify, and if you do not testify that cannot be considered as an indication of guilt.

If you are charged with more than one crime, then it may be possible, if you plead guilty or are found guilty, for the court to impose consecutive sentences; or in other words, sentences that are served one after the other.

If you are not a citizen of the United States, you need to be aware that a conviction of a crime may result under laws of the United States in deportation, exclusion from admission to the United States, or denial of naturalization or adjustment of status.

If you enter a no contest or guilty plea, you waive or give up all the rights I've just explained.

If you are sentenced to a term in jail or in the custody of the supervisory authority, the court's sentence may be modified by the supervisory authority by granting modifications such as home detention, work release, early release, or other similar modifications unless the court states otherwise on the record.

If you are here facing an allegation of probation violation,

you have the right to a hearing before the court, sitting without a jury. At that hearing, it would be the State's obligation to prove that you violated your probation in the manner they have alleged. And their burden is to prove it by the preponderance of the credible evidence.

If you are a defendant convicted of a qualified domestic violence crime, it is probable under both Federal and Oregon law you would be prohibited for the rest of your life from owning, possessing or transporting firearms or ammunition pursuant to ORS 166.255. While the terms of the firearms section of the order remain in effect, you are required to surrender firearms and ammunition and file the "Declaration of Firearms Surrender" document as ordered.

If you are a person in military service or are a veteran, per House Bill 2462, you may be eligible for treatment programs, diversion, specialty courts or mitigated sentencing, and you may obtain information about these options by consulting with your attorney.