

## **Arraignment Calendar Checklist for Traffic Cases**

- ❑ Call the calendar.
- ❑ Advise the defendants of their constitutional rights, including the rights:
  - To be represented by an attorney,
  - To cross-examine the arresting officer and any other prosecution witnesses,
  - To subpoena witnesses to testify on the defendant's behalf,
  - To refuse to testify,
  - To have a trial within 45 days of the arraignment, and
  - To have a jury trial in a misdemeanor case. [See Cal Const art I, §15.]
- ❑ At the commencement of the calendar, many judges advise the assembled defendants of their options regarding pleas and the consequences of each plea.
- ❑ Call the first group of defendants forward, and ask the first defendant to step up to the lectern. Inform the defendant of the charge, and ask the defendant how he or she wishes to plead.
- ❑ If the defendant pleads guilty or no contest, impose a sentence, assuming the defendant has waived time for sentencing. If the defendant refuses to waive time, you must set a date for judgment and sentencing.
- ❑ If the defendant pleads not guilty, ask the defendant if he or she waives time for trial. If not, set the case for trial within 45 days.
  - If the defendant is charged with an infraction, you should ask the defendant if he or she wishes to proceed with a trial by declaration.
  - If the defendant is charged with a misdemeanor, you should ask the defendant if he or she wishes to have a court trial or a jury trial.
  - In some courts, when a defendant pleads not guilty or guilty with an explanation (hoping to receive a reduced or suspended fine), the judge or commissioner refers the defendant to the district attorney's representative for a conference.
  - If the defendant changes his or her plea to guilty or no contest, impose a sentence.