Lawrenceburg City Court
Infraction/Ordinance Violation(s) Advisement of Rights

As a Defendant in a Traffic Infraction or Ordinance Violation proceeding, I must be informed of certain facts and rights that I have. I have been advised and understand the following:

1. You shall be presumed to not have committed the violation until you admit the violation or until the State of Indiana can prove by a preponderance of the evidence that you did commit the infraction.

2. If you choose to deny the traffic/ordinance violation and elect to proceed to a trial, the State of Indiana, by and through, the Dearborn/Ohio County Prosecutor's Office or the City of Lawrenceburg, will present evidence at a trial and attempt to establish by a preponderance of evidence that you committed the violation.

3. The term preponderance of the evidence means that from consideration of all the evidence presented at the trial either by a jury or a judge, the finder of fact must be convinced that the allegations presented by the State of Indiana, or the City of Lawrenceburg are probably more true than not true. The preponderance of the evidence standard is not to be confused with the much higher beyond a reasonable doubt burden of proof, required of the State of Indiana to convict in a criminal offense.

4. You have the right to deny, plead no contest, or admit the violation/infraction.
    a. By making a denial of the violation, you will be set for a plea deadline and subsequent bench trial in front of a judge. If you elect to petition the Court for a jury trial, a written petition must be filed in accordance with Indiana Rules of Trial Procedure, Rule 38(B). If you intend to contest the violation in a trial, you must comply with all rules outlined in the Indiana Rules of Trial Procedure and the Indiana Rules of Evidence.
    b. By pleading no contest, you consent to the entry of judgement for the State of Indiana or the City of Lawrenceburg, without admitting to the violation. By pleading no contest to the violation, you waive your right to trial, your right to cross examine witnesses, and the right to compulsory process for obtaining witnesses in your favor.
    c. By making an admission to the violation you are admitting that the violation, which will result in court costs and fines. By admitting the violation, you waive your right to trial, your right to cross examine witnesses, and the right to compulsory process for obtaining witnesses in your favor.

5. If you admit, plead no contest, or are found to have committed the violation in a trial, judgement shall be entered against you. The traffic violation shall be reported to the Indiana Bureau of Motor Vehicles and will become part of your permanent driving record. The Bureau will access points against your driving record, which if accumulated in a given period of time, can result in your license being suspended.

6. If you elect to deny the violation/infract and proceed to a trial;
    a. You may choose not to testify on your own behalf, that fact may not be held against you when determining your case. However, since this is civil proceeding and not a criminal proceeding, there is no privilege against self-incrimination and the State of Indiana, or the City of Lawrenceburg is authorized to call you as a witness and question you regarding the violation/infraction;
    b. You have the right to retain legal counsel;
    c. You have a right to call witnesses in your behalf;
    d. You have the right to subpoena witnesses;
    e. You have the right to cross-examine any witness called to testify against you by the State of Indiana or the City of Lawrenceburg;
    f. You have the right to appeal any decision of this Court. If you do appeal, you will be required to comply with the Indiana Rules of Trial De Novo.

7. If you make an admission, plead no contest, or after a trial are found to have committed the violation/infraction, you shall be required to pay court costs in the amount of $ 139.50 or $139.00. The amount of court costs owed are to be determined strictly by the classification of the violation. You shall be given a reasonable amount of time to pay court costs. If you elect for a trial and are found to have committed the offense, you shall be ordered to pay court costs on the day of your scheduled trial. Failure to pay court costs can result in a Failure to Pay Suspension imposed by this Court and the Bureau of Motor Vehicles.

8. If you admit to the violation, plead no contest, or enter into the Deferral/Diversion Program; fines and fees may very based upon the class of infraction, and/or number of counts contained within the violation/infraction ticket.

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9. In accordance with Indiana Code § 5-16-9-8(f), this Court may impose a judgment for traffic infractions, in the amount of:
    a. Class A Infraction: $ 0.00 up to $ 10,000.00;
    b. Class B Infraction: $ 0.00 up to $ 1,000.00;
    c. Class C Infraction: $ 0.00 up to $ 500.00;
    d. Class D Infraction: $ 0.00 up to $ 25.00.

10. In accordance with City of Lawrenceburg Ordinance § 154.99, this Court may impose a judgment for City Ordinance violations, in the amount of:
    a. Demolition Ordinance Violations: $ 10.00 up to $ 10,000.00;
    b. General Ordinance Violations: $ 10.00 up to $ 50,000.00.

11. In accordance with Indiana Code § 5-16-9-5, this Court may impose a fine of no less than $ 100.00, against anyone found to have parked a motor vehicle without registered authorization in parking facilities designated for persons with physical disabilities.

12. If you submit a continuance of any scheduled hearing and/or trial dates, this Court will make a determination based on the merit of the request. All continuances are to be filed five (5) days prior to the scheduled hearing or trial date. If the Court grants a continuance request, all other subsequent requests shall be denied. It is the policy of this Court to limit each party to one (1) continuance throughout the duration of the pending proceedings.

I HEREBY CERTIFY THAT I HAVE READ EACH AND EVERY ONE OF THE ABOVE STATEMENTS, UNDERSTAND EACH PARAGRAPH.

_____ _____
Defendant Printed Defendant Signature

_____
Date