

United States District Court
For the District of Wyoming

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case No. _____

Defendant.

**STATEMENT OF RIGHTS IN THE UNITED STATES MAGISTRATE JUDGE'S
COURT FOR CLASS A MISDEMEANORS**

This document advises you of your constitutional rights and is to assure you fully understand these rights. You are informed you have the following rights:

RIGHT TO ATTORNEY

You have the right to be represented by an attorney throughout all proceedings held in this matter. You may retain counsel at your own expense or, at the expense of the United States, a court appointed attorney may represent you if you qualify as an indigent and may be sentenced to a term of imprisonment. U.S. CONST. amends. VI, XIV; *Scott v. Illinois*, 440 U.S. 367 (1979). If you fully understand you have the right to an attorney but do not want an attorney's services, you must sign the "Waiver of Rights to Attorney" form.

FIFTH AMENDMENT RIGHT TO REMAIN SILENT

You have the right to remain silent and anything you voluntarily say about the charge(s) brought against you can and will be used against you. If you testify on your own behalf at trial, you will be considered as having waived your Fifth Amendment right to remain silent and any statement you make under oath may be used against you, especially if the statement may be incriminating. You may also be subject to cross-examination by the prosecutor and trial judge.

RIGHT TO BAIL

Should you qualify, you have the right to be released on reasonable bail pending trial.

ENTRY OF PLEA

You may plead “guilty” or “not guilty” to any or all charges filed against you in this matter. If you plead “not guilty,” the government must prove your guilt beyond a reasonable doubt at a trial. If any witnesses testify against you, you have the right to cross-examine those witnesses. You also have the right to present evidence in your defense and the right to choose whether you want to testify; you cannot be made to testify against your will. If you choose not to testify, it will not be considered as evidence or inference of your guilt or innocence, but rather the exercise of your right to remain silent.

If you plead “guilty,” you are admitting all the essential elements against you. There will be no trial and you will give up your right to confront and cross-examine witnesses. If convicted, a defendant who is not a United States citizen may be removed from the United States, denied citizenship, and denied future admission into the United States.

RIGHT TO MAKE MITIGATING STATEMENTS

If you plead guilty, you have a right to make mitigating statements to explain the circumstances leading to your arrest, which may lessen certain penalties at sentencing.

CONSENT TO PROCEED BEFORE A MAGISTRATE JUDGE

Because the offense charged against you allegedly occurred within the United States’ jurisdiction, you have the right for your jury trial, sentence, and judgment to be held before a United States District Judge. Only with your voluntarily consent, demonstrated by signing and dating the “Consent to Proceed Before the United States Magistrate Judge” form, will your case be heard before a United States Magistrate Judge. By consenting, you waive your right to a jury trial, sentence, and judgment before a United States District Judge. If you consent to have a United States Magistrate Judge preside over your trial, sentence, and judgment, you have the right to demand a jury trial. If you choose not to proceed before a United States Magistrate Judge, your case will be referred to a United States District Judge for disposition at a later time. You have a right to at least thirty days to prepare for trial in this case.

If you are charged by criminal complaint, you have a right to a preliminary hearing under Federal Rule of Criminal Procedure 5.1.

THE RIGHT TO APPEAL

In the event you plead not guilty before the Magistrate Judge and are subsequently convicted, you have the right to appeal the conviction to the United States District Court within fourteen (14) days from the entry of judgment against you by filing written notice thereof and paying the filing fee with the Clerk of Court.

CONSENT TO PROCEED BY VIDEO TELECONFERENCE OR TELEPHONE

If applicable, and by signing this document, you consent to an arraignment and sentencing to occur by video teleconference or telephone. FED. R. CIV. P. 43(b)(2).

I hereby acknowledge I have read the foregoing Statement of Rights and fully understand them.

_____, Defendant

Dated this _____ day of _____, 20____.

United States Magistrate Judge