

Your first appearance before this court constitutes an **arraignment**. The purpose of an arraignment is for you to enter your plea and thereby inform the court as to whether you plead not guilty, guilty, or no contest. For court purposes, the entry of a no contest plea will be treated as the equivalent of a guilty plea.

The following factors should be considered in deciding how to plead:

- If you plead not guilty and thus decide to contest the citation, the court will set a date for your trial. At trial, the city will have a burden to prove each element of the alleged infraction beyond a preponderance of the evidence, i.e., the greater weight of evidence. This differs from the greater standard of proof in a criminal case which is proof beyond a reasonable doubt.
- You do not have a right to a jury trial as you would in a criminal case. Under Oregon law, infractions and other non-criminal offenses are tried by the court. In a trial, the court (the judge) will be the fact-finder in the case. The judge will also make any legal decisions and will apply the law to factual findings.
- You do not have a right to a court-appointed attorney, if you are indigent. You do, however, have the right to retain your own attorney, if you so desire. If you retain an attorney, you are required to notify the court clerk so the city can have its attorney prosecute and present its side of the case. If you proceed with trial of your case without an attorney, the city will also forego an attorney and will have its case presented by the citing officer.
- In trial, you have the right to subpoena witnesses and examine and cross-examine those witnesses testifying at the trial. You are not legally required to testify at the trial of your case, unless you so desire. Your decision not to testify will not be held against you. If you do testify, the city will have the right to cross-examine you as it would any other witness who gives testimony.
- The court does not furnish court reporters. If you want your trial reported, you will have to make your own arrangements to hire a court reporter.
- If you are not satisfied with the court's decisions at the conclusion of the trial, you have a right to appeal to Circuit Court of the State of Oregon for Clackamas County. In such event, you will have a new trial in its entirety. The circuit court will charge its normal, nonrefundable filing fee in the event of such an appeal.
- This court cannot impose jail as a sentence for a conviction. The basic sanctions and sentences this court can impose are fines. Oregon law designates the following maximum fines for the following classified traffic infractions:
  - Class A Infractions - Maximum fine \$2000.00
  - Class B Infractions - Maximum fine \$1000.00
  - Class C Infractions - Maximum fine \$500.00
  - Class D Infractions - Maximum fine \$250.00