**MUNICIPAL COURT**

**CITY OF DALTON, GEORGIA**

**ARRAIGNMENT**

Your arraignment is the day where you come into Court to decide what you want to do in your case. This decision is called pleading or making a plea before the Court. There are three main plea options you have:

**1. Not guilty**: Pleading not guilty is saying that you would like to have a trial in your case. If you are charged with a State misdemeanor, misdemeanor traffic violation, or motor vehicle violation, you have a right to a trial in front of a judge (bench trial) or a jury. If you choose to have a jury trial, your case will be transferred to the Whitfield County Superior Court. If you are charged with a City Ordinance violation, you have a right to a trial in front of a judge.

**2. Guilty**: Pleading guilty is saying that you admit to the violation(s) that have been alleged against you. Depending on what you are charged with, if you plead guilty to a traffic offense, points may be assessed on your Georgia license, or your privilege to drive in Georgia may be suspended as a result of your plea. When you plead guilty, the Court will sentence you immediately upon the entry of the plea.

**3. Nolo Contendere (No Contest)**: Pleading nolo contendere (no contest) is saying that you do not admit to the violation, but you do not want to fight or contest the violation, and you will be sentenced by the Court. A nolo plea may have certain benefits to you. In a traffic case, it may prevent points from being placed on your Georgia driver’s license or it may prevent the suspension of your privilege to drive in Georgia. The Court must approve Nolo Contendere pleas. When you plead Nolo Contendere, the Court will sentence you immediately upon entry of the plea.

You determine what type of plea you will enter. If you have an attorney, he or she will help you understand how your plea may affect your rights or privileges under the law. If you are charged with more than one offense, you will determine what type of plea you will enter to each charge.

Many of your rights and privileges may be affected by the type of plea you make and making sense of it all can be complicated. An attorney can help you understand not only the law, but also how it applies to what happened in your case. Everyone who appears for arraignment has a right to an attorney, and everyone who cannot afford an attorney has a right to have one appointed if it can be shown per federal/state income guidelines that the person cannot afford an attorney.

You (or your attorney if you are represented by an attorney) have the right to ask to speak with the prosecutor before you enter your plea. These are often called pre-trial negotiations and can be helpful in resolving your case without having a trial. The Court does not involve itself in these discussions. **Please note: The City Prosecutor represents the City of Dalton and not you.** The Court must approve any negotiated resolution to each case.

**CONTESTING YOUR CASE**

If you want to contest your case, simply appear in Court on the date shown on the citation and plead NOT GUILTY to request a trial. If you plead not guilty, the Court will set the trial for another day. Again, unless the charged offense is for a City Ordinance violation, you have the right to demand a jury trial upon which your case will be transferred to the Whitfield County Superior Court for further determination.

*The information contained in this document is provided as a service to all who appear in Municipal Court. It is derived from and available (as well as other resources) to all persons on the Georgia Council of Municipal Court Judges website located at:*

***https://georgiaCourts.gov/municipal/***

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