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Chandler Municipal Court | 200 E. Chicago Street, Chandler, AZ 85225

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### ARRAIGNMENT

The purposes of your Arraignment are to inform you about the nature of the charge(s) against you; to provide you with a copy of the Complaint (if you do not already have one); to inform you of your constitutional rights; to advise you of possible immigration consequences; to answer any questions you might have; to enter a plea to the charge(s); to schedule your next court date (usually a pretrial conference), if one is necessary; and to determine your release conditions. [Note: The law requires us to set many cases for another court date in order to provide the Prosecutor's office enough time to obtain a defendant's motor vehicle record, to contact the alleged victim(s) and to obtain restitution information].

You have many constitutional rights [which will be called "your rights" throughout this form] including: your right to remain silent and not to incriminate yourself; your right to be represented by an attorney at all proceedings in your case and to have an attorney appointed to represent you if you are eligible for one; your right to be presumed innocent unless and until the State can prove you guilty by a standard called beyond a reasonable doubt; your right to have a trial in which the State must present evidence against you and at which you may confront and cross-examine any witnesses against you; and your right to have the Court issue subpoenas, free of charge, to compel witnesses of your choosing to appear and testify. Failure to appear at sentencing may result in the loss of the right to a direct appeal.

When you appear before the Judge at Arraignment, you must enter a plea of, Guilty, No Contest, or Not Guilty.

**NOTE:** If you are not a citizen of the United States, pleading guilty or no contest to a crime or being found guilty of a crime, whether by submission or by trial, may affect your immigration status. Admitting guilt or being found guilty may result in deportation even if the charge is later dismissed. Your plea or admission of guilt or being found guilty could result in your deportation or removal, could prevent you from ever being able to get legal status in the United States, or could prevent you from becoming a United States citizen.

**GUILTY:** You admit every element of the charge(s) that the State accuses you of doing. You will have a conviction for the charge(s) and there will be a record of the conviction in this court. Sentence will be imposed (You will receive a penalty).

**NO CONTEST:** You do not admit guilt, but do not desire to contest the charge(s). If the judge accepts your plea, you would be found guilty. You will have a conviction for the charge(s) and there will be a record of the conviction in this court. Sentence will be imposed (You will receive a penalty).

If you plead "GUILTY" or "NO CONTEST", you give up "your rights" [and the judge will sentence you]. The judge will usually pronounce your sentence on the same day you enter your plea, if you consent to it, and the judge finds no reason to delay the passing of the sentence.

**NOTE:** Pursuant to A.R.S. Section 13-3990, if you are certified to teach by the State Board of Education or the State Board of Directors for Community Colleges or if you are teaching in a charter school, the Chandler Municipal Court is required to report convictions of Title 13 violations to the verifying board or charter school.

**YOU WILL NOT RECEIVE A LESS SEVERE SENTENCE SIMPLY BECAUSE YOU PLEAD "GUILTY" OR "NO CONTEST".**

**NOT GUILTY:** You deny the charge(s) against you and want the state to prove them. You should enter a plea of "not guilty" if you are not sure what to do, or if you want to think about it further. A plea of "not guilty" has the effect of keeping your options open for a while. You can later decide to change your plea to "guilty" or "no contest", if you wish. You will not receive a harsher sentence simply because you did not enter a plea of "guilty" at your Arraignment. If you plea "not guilty", the Judge will give you a new court date and time to appear (Usually a Pretrial Conference with a City Prosecutor). At that time, you may review the police report in the case and may try to resolve the case [enter into a Plea Agreement] with the City Prosecutor.

**THERE IS NO PENALTY FOR PLEADING "NOT GUILTY". YOU WILL NOT RECEIVE A MORE SEVERE SENTENCE SIMPLY BECAUSE YOU PLEAD "NOT GUILTY"**

## PRETRIAL CONFERENCE

It is mandatory that you attend EVERY court date, including pretrial conferences, whether or not you are represented by an attorney. Your attorney must come with you, if you are represented. Failure to attend the pretrial conference is a violation of a Court Order, and the Court may then issue a Warrant for your arrest and set a Bond that you must post in order to be released.

At your Pretrial Conference, you or your attorney may discuss your case with a Prosecutor. The Prosecutor will also allow you to review the police report. For a fee, the Chandler Police Department will provide you with a copy of the police report. A Prosecutor will advise you of the sentence the State intends to recommend in the event you are convicted. At this point, you will have four choices:

1. You can change your plea to “guilty” or “no contest” and enter into a Plea Agreement with a Prosecutor. **IF YOU ARE NOT A CITIZEN OF THE UNITED STATES, PLEADING GUILTY OR NO CONTEST TO A CRIME MAY AFFECT YOUR IMMIGRATION STATUS.** If the Judge accepts the plea agreement, sentence will usually be imposed on that same day. If, however, the Judge refuses to accept your plea agreement or refuses to accept its terms, you then may withdraw your plea agreement and set your case to trial, or request the opportunity to present the plea agreement to another judge.

2. You can change your plea to “guilty” or “no contest” and enter your plea directly to the Court. **IF YOU ARE NOT A CITIZEN OF THE UNITED STATES, PLEADING GUILTY OR NO CONTEST TO A CRIME MAY AFFECT YOUR IMMIGRATION STATUS.** If the judge accepts your plea, sentence will usually be imposed on the same day. [Note: Without a plea agreement, the Judge may pronounce any sentence so long it is within the minimum and maximum range of sentences proscribed by law]. If, however, the Judge refuses to accept the plea to the Court, the Judge will set your case to trial.

3. You can reject the plea agreement offered by a Prosecutor and decide not to plead to the Court. The Judge will set your case to trial.

4. You can request a continuance.

## TRIAL

**DO YOU NEED A LAWYER?** You must answer this question for yourself. You may represent yourself, request the judge to appoint an attorney to represent you (the judge will tell you if you are eligible for one), or you may hire an attorney. If the Court appoints an attorney to represent you, the Judge may, if you can afford it, order you to reimburse some or all of the fees.

**WHAT SHOULD YOU DO BEFORE THE TRIAL?** You must make any necessary preparations for your trial to include locating evidence in your favor. If you want witnesses ordered to appear for you, ask the Court, no later than seven (7) days before your trial date, to issue Subpoenas for your witnesses. You must prepare in advance any photographs, sketches or maps that might help you explain your case.

**WHAT HAPPENS AT TRIAL?** A Prosecutor will present the State's case usually through the testimony of witnesses and/or the introduction of exhibits, photographs, sketches, maps and similar items. You will have a right to cross-examine each witness the State presents. You have the right to present witnesses and introduce other evidence on your behalf, if you choose. You may, testify in your own behalf. If you choose to testify, you will be subject to cross-examination by the Prosecutor. Whether you testify is entirely your decision because you have the absolute right to remain silent and no one can force you to testify. If you choose not to testify, this action can NEVER be used against you for any purpose.

After both sides present their case, the Judge or jury will make a decision based on the evidence. If you are found “not guilty” you will not have a record of any conviction and any bond posted will be refunded to the bond poster. If you are found “guilty” you will have a conviction for the charge(s), the Judge will impose sentence and there will be a record of your conviction in this court. If you are convicted, you have a right to appeal the conviction and/or the sentence by filing a written Notice of Appeal within 14 days after the action being appealed. The Appellate Division of the Maricopa County Superior Court, would determine whether this Court’s decision was correct.