

IN THE DISTRICT COURT OF THE \_\_\_\_\_ JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF \_\_\_\_\_

STATE OF IDAHO  
Plaintiff,

v.

\_\_\_\_\_  
Defendant.

Case No. \_\_\_\_\_

Notification of Rights (Felony)

You have been charged with the felony criminal offense(s) of:

<u>Count</u>	<u>Statute</u>	<u>Charge Description</u>

It is very important that you read this notification of your rights and understand them fully before signing this document. If you have any questions concerning these rights, you may ask the judge when your case is called or consult an attorney.

Please initial each item which is fully understood; Leave blank any items which you do not understand.

- \_\_\_ 1. You have the absolute right to remain silent and the privilege against self-incrimination (the state cannot force you to testify against yourself). Any statement you make is a part of the record and may be used against you.
- \_\_\_ 2. You have the right to represent yourself and present your case without the aid of an attorney.
- \_\_\_ 3. You have the right to hire your own attorney to represent you in this matter. If you wish to be represented by an attorney but feel you cannot afford one, you may apply to the Court to appoint an attorney for you, but you may be required to repay the County for the attorney fees.
- \_\_\_ 4. Under the law, you are presumed innocent unless you plead "guilty" or are proven as such.
- \_\_\_ 5. The charge(s) pending before the Court are felony matters. If you are charged by a criminal complaint, they must be set for a preliminary hearing within fourteen (14) days

if you are in custody or twenty-one (21) days if you are not in custody, unless you waive the time period.

- \_\_\_ 6. At the preliminary hearing, the State must prove that it is more probable than not that you committed the alleged crime(s) for which you have been charged. If the State meets this minimal burden of proof you will be bound over to District Court to answer to the charge(s) and that is where you will enter your plea.
- \_\_\_ 7. If you are being charged by a Grand Jury Indictment you will be arraigned on that Indictment before another court on \_\_\_\_\_ before District Judge \_\_\_\_\_.
- \_\_\_ 8. You have the right to a public and speedy jury trial or a court trial. If your case goes to trial, the burden will be upon the State to prove guilt beyond a reasonable doubt. At trial, you can question any witness who is going to testify against you and call your own witnesses to testify for you, as well as present evidence on your behalf.
- \_\_\_ 9. If you are not satisfied with the decision of the Court, you may appeal to the next higher Court, so long as your Notice of Appeal is filed within forty-two (42) days of the entry of the decision.
- \_\_\_ 10. If you are in custody, you have the following additional rights:
- a. That you have a right to communicate with an attorney or immediate family, and reasonable means will be provided for you to do so.
  - b. You have a right to bail which is an amount of money necessary to allow your release and assure your presence in Court at a future date.
- \_\_\_ 11. If you have been arrested or are being held on a charge from a county other than this county you may request in writing that you wish to plead guilty to the charge in this county and consent to a disposition of the case in the county in which you were arrested, held, or are present, subject to approval by the prosecutors in each county.
- \_\_\_ 12. Your exercise of any of these rights shall not be held against you. If you have any questions about these rights, ask the Judge at the next hearing.

Please mark the appropriate box to the following questions:

- Yes  No      Have you received a copy of the charging document filed in this case?
- Yes  No      Do you understand what you have been charged with?
- Yes  No      Are you under the influence of any drugs or alcohol at this time?
- Yes  No      Has anyone made you any promises or coerced you to act in this matter?
- Yes  No      Would you like the Court to read the charging document to you?

Please choose any of the following options concerning your representation in this matter:

- Yes  No I wish to retain/hire my own attorney.
- Yes  No I wish to apply for a court appointed attorney to represent me.
- Yes  No I wish to be given a continuance:
- to decide how I would like to be represented.
- to discuss my plea with an attorney.
- Yes  No I wish to waive my right to be represented by an attorney. I will represent myself.

If you are on probation or parole a plea of guilty could serve as a basis for violating your probation or parole.

A plea of guilty or a conviction may impact your right to own or possess firearms. A plea of guilty or a conviction of certain charges may result in the loss of your driving privileges.

If you are not a citizen of the United States, and if you plead guilty or are found guilty you could be removed from the country, excluded from entering this country, and denied the opportunity to obtain legal status or become a naturalized citizen. You have the right to request additional time to consult with an Immigration Attorney before you enter your plea.

**By signing this document, I acknowledge that I have read and fully understand my rights as indicated above.**

\_\_\_\_\_

Dated

\_\_\_\_\_

Signature of Defendant

\_\_\_\_\_

Typed/Printed Name