

**IN THE MUNICIPAL COURT OF ELKINS, RANDOLPH COUNTY, WEST VIRGINIA**

City of Elkins

V.

Criminal Case Number(s): \_\_\_\_\_

\_\_\_\_\_  
Defendant's Full Name

\_\_\_\_\_  
Driver's License Number

\_\_\_\_\_  
Social Security Number

Complaint Date: \_\_\_\_\_

\_\_\_\_\_  
Date of Birth

**INITIAL APPEARANCE:  
RIGHTS STATEMENTS**

**A. General: Misdemeanor**

1. The Judge has informed me that I am charged with the offense(s) of:

\_\_\_\_\_  
and that, if I am later found guilty, the possible penalties are (state mandatory minimum  
penalty, if any, and maximum  
penalty): \_\_\_\_\_

2. The Judge has informed me that, if the City Code provides for a possible jail penalty, I  
have the right to be represented by an attorney at every further proceeding and that, if I  
qualify as being unable to afford to hire an attorney, one will be appointed to represent  
me. I understand that if I decide to represent myself, I cannot later claim that I was  
denied my right to be represented by an attorney.

3. The Judge has informed me that, I may be released from custody while I am waiting  
for further proceedings on the charge(s) stated above if I am able to make bail generally  
as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. The Judge has given me reasonable time and opportunity to talk with an attorney or with one relative or other person for the purpose of obtaining counselor or arranging bail.
5. The Judge has informed me that I do not have to make any statement to anyone other than the statements in the document and that any statement I do make may be used against me.
6. The Judge has informed me that I have a right to plead not guilty; that I have a right to trial by a jury or by a Judge without a jury; and that if I plead guilty or no contest, I give up my right to a trial.
7. The Judge has informed me that I have the right to demand a jury trial and that, if I want a jury trial, I must let the municipal court know in writing no later than 20 days from the date of this initial appearance or, if I receive court-appointed counsel, 20 days from the date that an attorney is appointed. I have also been informed that, if I do not demand a jury trial within the 20 day period, I give up my right to a jury trial and the Judge will try my case without a jury. I understand as well that if I have a jury brought in, the jury fee will be assessed against me if I am convicted.

The Judge has informed me that I have a choice at this time to enter a plea to the above named charge(s) and if I so desired to do so, I have a right to waive any further proceedings except for the plea agreement below.

Defendant must initial one of the following three choices if a **jail penalty** is possible:

- \_\_\_\_\_ (a) I give up my right to have an attorney represent me.  
\_\_\_\_\_ (b) I want to hire an attorney to represent me.  
\_\_\_\_\_ (c) I want an attorney appointed to represent me.

#### **Guilty or No Contest Plea:**

1. The Judge has informed me that I have the right to plead not guilty (or to maintain a plea of not guilty if it has already been made). I understand this right.
2. The Judge has informed me that I have a right to be tried by a jury or by a Judge without a jury, and at that trial I have the right to be represented by an attorney, the right to confront and cross-examine witnesses against me, the right not to be forced to incriminate myself, the right to call witnesses on my own behalf, and the right to testify on my own behalf or to be silent. I understand these rights.
3. The Judge has informed me and I understand that if I plead guilty or no contest I give up my right to a trial.
4. The Judge has informed me and I understand that if I plead guilty or no contest, the court may ask me questions while I am under oath about the offense(s) to which I plead. I further understand that if I answer these questions under oath, my answers may later be used against me in a prosecution for false swearing.

5. The Judge has informed me and I understand that the Judge may neither entertain nor grant a request to withdraw this plea once the Judge has accepted it.
6. I am entering this plea, voluntarily and not as a result of force or threats or of promises apart from a pleas agreement. I have informed the Judge of and prior discussions between the prosecuting attorney and me or my attorney that led to my willingness to plead guilty of no contest.
7. I plead as follows (initial one): \_\_\_\_\_guilty \_\_\_\_\_not guilty

\_\_\_\_\_No Contest

Dated: \_\_\_\_\_

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Counsels Signature (if Applicable)

I have addressed the defendant personally in open court and have informed the defendant of the matters set out above, and find that the defendant understands. I find further that the foregoing waiver of rights and plea are made knowingly and voluntarily by the defendant, and I accept the defendant's plea.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Judge

**I hereby accessed the following fines, costs and incarcerations on these charge(s);**

**Fine: \$**\_\_\_\_\_.

**Court Cost: \$**\_\_\_\_\_.

**Days in Jail:** \_\_\_\_\_. \_\_\_\_\_**Credit days for time served**

\_\_\_\_\_  
**Defendant:**

\_\_\_\_\_  
**Witness:**

\_\_\_\_\_  
**Judge**

