

Statement of Rights

Before we begin, I would like to advise each of you of certain legal rights you have in connection with your case and your court appearance today.

You have the right to remain silent and to not incriminate yourself. Anything you say can be used against you to convict you of a crime.

You have the right to have an attorney represent you before proceeding further, and if you are charged with a crime or a probation violation- that could lead to a jail term, and cannot afford an attorney, then the court will appoint one to represent you.

An attorney has the education and ability to negotiate your case with the District Attorney. They have the training to recognize issues concerning the legality of any seizures of evidence, the circumstances surrounding your arrest, and/or the use of any statements you may have given. They have the training to select a jury, try your case and advise you concerning the laws governing the use of evidence at trial, and to otherwise provide you the effective assistance of counsel.

If you are charged with a crime, you have the right to have a jury trial. At the trial, the State is required to prove your guilt beyond a reasonable doubt. You have the right to confront any witnesses who testify against you, the right to subpoena witnesses to appear on your behalf and the right to make the decision to testify or not. If you do not testify, that cannot be considered an indication of guilt.

If you are being arraigned on a District Attorney's Information accusing you of a felony, you may have a right to testify before the Grand Jury. To exercise this right, your attorney must file a request before an indictment is filed with the court.

If you are charged with more than one crime, and are found guilty or plead guilty, it may be possible for the court to impose consecutive sentences.

If you are not a citizen of the United States, you need to be aware a conviction of a crime may result under law of the United States in deportation, exclusion from admission to the United States, or denial of naturalization or adjustment of status.

If you enter a no contest or guilty plea, you waive all of these rights just explained to you.

If you are sentenced to a term in jail or in the custody of the supervisory authority, the court's sentence may be modified by their authority to grant modifications such as home detention or work release. You would be responsible for all per diem fees associated with home detention or work release.

If you are here facing an allegation of a probation violation, you have the right to a hearing before the court, without a jury. The state is required to prove that you violated your probation in the manner they alleged by the preponderance of the credible evidence.

If you are a defendant of a qualified domestic violence crime, it is probable under Federal and Oregon law you would be prohibited for the rest of your life from owning, possessing or transporting firearms or ammunition pursuant to ORS 166.255. While the terms of the firearms section are in effect, you are required to surrender firearms and ammunition and file a "Declaration of Firearms Surrender" document as ordered.

If you are a person in military service or a veteran per ORS 135.985, you may be eligible for treatment programs or specialty courts and may obtain information about these options from your attorney.