

## **Words of Wisdom for Pro Tempore Traffic Judges**

If a defendant is charged with a misdemeanor other than Failure to Appear, Failure to Pay and Driving Without a Valid Driver's License (VC 12500 & VC 40508a/b violations can be reduced to infractions), please check with the courtroom clerk for the current department at the Hall of Justice to continue the case for a plea to, and refer the defendant to the Public Defender to see if the defendant qualifies for those services. You cannot reduce any other misdemeanors to infractions. If the defendant states s/he wishes to waive his/her right to counsel and his/her rights to a jury trial, you can take the plea and sentence.

Please do not deal with CAFTA (civil assessments of \$300) at arraignment or trial. The remedy is for the defendant to file a petition for the Court to vacate the assessment. Those forms are available in the Clerk's Office. There is no need for a plea on the assessment. You cannot vacate or reduce a \$300 civil assessment on the arraignment or trial calendar.

Some older cases may have a VC40508a or VC40508b, which are actual misdemeanor charges that are added by the Court for a failure to appear and failure to pay. When these violations are reported to the DMV, a hold is placed on a defendant's driver's license. Since these are actual charges, the defendant must enter a plea and be sentenced on the charge (fine or suspended sentence), or the charge must be dismissed.

There are some mandatory fines which you cannot reduce. For example, littering can result in a fine from anywhere from \$100 to \$1,000, but cannot be less than \$100 (to which we add a penalty assessment and fees).

Community Service should be for the indigent who really cannot pay (i.e. they are homeless, are SSI and/or welfare and/or food stamp recipients, and anything else you find appropriate), not just because they ask you.

If the defendant is charged with fare evasion or a municipal code violation and fails to appear, please state, "the matter is to proceed to the delinquency process."

Please listen to the valuable suggestions you might receive from the courtroom clerks. They do this every day.

Thank you for volunteering to help the court.