

STATE OF INDIANA	)	IN THE FISHERS CITY COURT
	)SS:	
COUNTY OF HAMILTON	)	CAUSE #: 29H03-_____
 CITY OF FISHERS	)	
	)	
vs.	)	
	)	
_____	)	
Defendant		

**ADVISEMENT OF RIGHTS AND DUTIES**

The undersigned defendant hereby acknowledges the following advisements as they pertain to a traffic infraction or ordinance violation case.

1. This is a civil infraction and not a criminal case. As a civil violation, the potential penalties are the imposition of fines, Court costs, and suspension of driving privileges.
  
2. In a civil proceeding, you have the following rights;
  - a. The right to Pretrial Discovery of the evidence against you. Discovery must be done in accordance with the Indiana Rules of Trial Procedure;
  - b. The right to a trial before a neutral Court;
  - c. The right to be represented by an attorney at trial;
  - d. The right to see, hear, confront and cross examine the evidence against you
  - e. The right to present evidence on your own behalf, and the right to use the Court’s subpoena power to compel witnesses to appear on your behalf;
  - f. The right to appeal any judgment entered against you.
  
3. Because this is civil case, certain rights that pertain in criminal cases do not pertain in this case. Rights you do not have:
  - a. The right to remain silent. If the City Attorney or Prosecutor wishes to call you to testify against yourself, they may to do so;
  - b. The right to a public defender appointed at Court expense;
  - c. The right to have the State or City prove you committed the violation beyond a reasonable doubt. The Standard of Proof is “Preponderance of Evidence,” a much lower evidentiary standard.
  
4. At a trial of this case, the Court will listen to the evidence presented by both sides and then make a determination whether or not you committed the violation alleged against you. If the Court finds you did not commit a violation, a judgment will not be entered against you. If the Court finds you committed a violation, the Court will enter a judgment against you.

5. If you wish to represent yourself at trial, you will be expected to follow the Indiana Rules of Trial Procedure, the Indiana Rules of Evidence and the Local Rules of the Fishers City Court.
6. If a judgment is entered against you, you will be assessed Court costs. Court costs are \$118.50, which is in addition to any fine imposed. Court costs cannot be reduced, suspended or modified.
7. If a Judgment is entered against you for a State Infraction Violations, the following are the potential maximum fines:
  - a. Class A Infraction: \$10,000.00
  - b. Class B Infraction: \$1,500.00
  - c. Class C Infraction: \$500.00
8. For City Ordinance Traffic Violations, the maximum fine is typically \$500.00, but for certain ordinance violations the amount may increase based on repeat violations.
9. For any moving traffic violation, the Court has discretion to suspend driving privileges for up to one year.
10. A record of judgment in a traffic case must be sent to the Bureau of Motor Vehicles, and becomes a permanent entry on your driving record. The Bureau assesses points for moving violations; the accumulation of a certain number of points may cause the Bureau to take action against your license.
11. Moving violations count toward the classification of Habitual Traffic Violator. A Habitual Traffic Violator is a person who, within a ten year period of time, accumulates 10 moving violations, with one of them being a major violation. A classification of Habitual Traffic Violator carries a suspension of Driving Privileges for at least five (5) and possibly ten (10) years.
12. If you fail to appear for the trial in this cause, the Court may enter a default judgment against you for any fine and/or suspension of driving privileges up to the maximum permitted by law. The Court may also notify the Bureau of Motor Vehicles of a failure to appear, which will result in a suspension of your driving privileges.

I have read and understand the foregoing Advisement of Rights and Duties.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Defendant