

TRIAL COURT ADMINISTRATION

Policy 509

June 14, 2000

INFRACTION CASE PROCESSING PROCEDURE

SECTION 1. Authority and Purpose - Exception

This policy is adopted under the N.D. Sup. Ct. Admin. R. 22 and Administrative Policy 501 to provide a process for the consistent and uniform management of certain cases. Administrative closure shall not affect future judicial activity in any case. This procedure does not apply to infractions that are violations of N.D.C.C. Section 39-24-09(5)(c) [operating a snowmobile while under the influence] or N.D.C.C. Ch. 39-24.1 [implied consent regarding snowmobile operators].

SECTION 2. Procedures for Monitoring and Administratively Closing Infraction Cases

- A. The clerk opens the case file with the filing of the complaint for an infraction .
- B. For all infractions, with the concurrence of the state's attorney, the clerk shall either send a notice and a written plea of guilty and waiver of appearance to the defendant in sufficient time in advance of the scheduled hearing for the defendant to respond or cause the notice to be served with the summons. The notice shall inform the defendant of the right to enter a written plea of guilty and waiver of appearance. Also, the notice shall inform the defendant a bench warrant will be issued for the defendant's arrest, if the defendant fails to appear at the scheduled time or fails to sign and return the written plea of guilty and waiver of appearance together with a certified check or money order for the total fines, fees, and restitution before the scheduled hearing.

Approved by Council of Presiding Judges 06/14/00

STATE OF NORTH DAKOTA

IN DISTRICT COURT

_____ COUNTY

DISTRICT _____

State of North Dakota,
Plaintiff

vs.

_____,
Defendant

**WRITTEN PLEA OF GUILTY
AND
WAIVER OF APPEARANCE**

Case No. _____

NOTICE

If you want to plead guilty and are satisfied with the terms set out in this form, you may sign it. You must then return this form along with a certified check or money order in the amount of \$ _____ for your fines, fees, or restitution. The check must be made payable to the _____ County Clerk of Court, _____, _____, ND 58 _____. If the form and money are received before the date of your court appearance, you do not have to come to court.

You should not sign the form if you want to plead "Not Guilty", or if you disagree with the terms of the sentence, or if you are unable to pay the fine, fees, or restitution before your court appearance date. Instead, you must come to court on the date listed on the summons.

If you fail to appear at the scheduled time or fail to sign and return this form and money before your appearance, a bench warrant will be issued for your arrest.

1. I understand that I have been charged with the offense of _____, an infraction.
2. I understand that the maximum possible punishment for this offense under the laws of the State of North Dakota is a \$500 fine. I also understand that failure to comply with a Court Order to pay fines, fees, and restitution may constitute contempt of court.
3. I understand that I have the right to appear personally in court on the charge; the right to plead guilty or not guilty to the offense; the right to remain silent; the right to a trial; the right to be represented by counsel; the right to confront and cross-examine witnesses who testify against me in open court; and the right to have witnesses subpoenaed to testify on my behalf. With full knowledge of these rights I hereby waive each and every one of them. I understand a person charged with an infraction is not entitled to be furnished counsel at public expense nor to have a trial by jury.

4. By my own free will I plead GUILTY to the offense charged and state there is a factual basis for it. **NOTE:** No one has made any promises to me to get me to plead guilty nor have I been pressured in any way or forced to plead guilty to this offense.
5. I understand that my guilty plea on this charge may later be used to increase the penalty for any subsequent charge.
6. I request that the Court accept my written plea of guilty and not require me to appear in person in court.
7. I authorize the Court to impose the following sentence:

A fine of \$_____ plus restitution of \$_____ for a total of \$_____.

Dated this _____ day of _____, 20_____.

I STATE THAT I AM THE DEFENDANT; I HAVE READ THIS WRITTEN PLEA OF GUILTY AND WAIVER OF APPEARANCE; AND I UNDERSTAND IT.

Print the following information:

Date: _____

Name: _____

Birthdate: _____

Signature: _____

Address: _____

City/State: _____

Phone No.: _____

Soc. Sec. No.: _____

ORDER/JUDGMENT

NOW, THEREFORE, IT IS HEREBY ORDERED that the above set-forth sentence is entered.

Date: _____

District Court Judge