



Your Rights in Nebraska's County Courts

The following Constitutional and Statutory Rights will apply to your case.

You have a right to a trial and a trial by jury on any offense which carries the possibility of a jail sentence. At that trial you are presumed to be innocent.

You have a right to require the State to prove you guilty beyond a reasonable doubt.

You have a right to confront, that means to see and hear, and to cross examine the witnesses which the State would call to prove the case.

You have a right to present witnesses in your own defense and to use the subpoena power to secure the attendance of anyone who would not voluntarily come to court.

At any trial, you have a right to testify or to remain silent as you choose.

If you choose to testify, the State will have the right to cross examine you.

On the other hand, if you choose to remain silent, that silence cannot be used against you for any purpose.

You are entitled to a speedy and public trial, within six months of the date of the filing of the complaint.

If you are dissatisfied with the results in this court, you have a right to appeal to the district court and to have a complete transcript of the proceedings in this court to enable that appeal.

If anyone appearing today was less than 18 years of age on the date of the alleged offense, you may ask this court to transfer this case to the juvenile court.

Under present law I am required to give the following warning. If you are not a citizen of the United States, you are hereby advised that conviction of the offense for which you have been charged may have the consequences of your removal from the United States, or denial of naturalization pursuant to the laws of the United States. In light of this warning, you may request additional time to reconsider your plea and to negotiate a plea with the prosecuting authority.

You have a right to be represented by an attorney at all stages of the proceedings.

You are free to hire any attorney of your own choice; however, if you wish to be represented by counsel and cannot afford the services of an attorney and there is even the possibility of jail sentence, one can be appointed

for you at the public's expense. You would be required to complete a financial affidavit so that the court can determine whether or not you qualify for appointed counsel.

Finally, you can waive your right to counsel and proceed without an attorney.

Today you can enter one of three pleas to this case.

A plea of Not Guilty would preserve all the rights just explained and this case would be set down for a trial either to the court or a jury as you choose.

On the other hand, if you enter a plea of Guilty or No Contest you will specifically waive certain of those rights: you would waive a right to trial and trial by jury, the right to confront the State's witnesses, the right to require the State to prove you guilty beyond a reasonable doubt; and

In the event of a guilty plea, you give up your right to remain silent about the facts of this case and in the event of a No Contest plea you give up your right to challenge the State's evidence.

In the event you are convicted of an offense and would be placed on probation you would, in addition to any other fines and costs assessed, be required to pay probation service fees.

Those fees may change from time to time and different rates may be assessed depending on the level of supervision. The court will have the power, after a hearing, to reduce the monthly programming fees if the defendant can show that to pay such fees would place an undue burden on the defendant.

In cases which result in personal injury, or loss of, or damage to property, you may in addition to other penalties provided by law, be required to make restitution to any party suffering an injury to his or her person or loss or damage to his or her property in such amount as determined by the court and subject to a finding by the court that you have the ability to pay such restitution.

Any special rights or warnings which apply in your case will be given to you by the judge when your case is called.

I want to caution you that neither the Judge nor court staff is allowed to give you any advice on how to exercise these rights.

You do not offend the judge by asking for a trial, either to the court or a jury, by responding that you intend to hire an attorney or that you are requesting a court appointed counsel or intend to waive your right to an attorney, or in any way electing to exercise or give up any of your rights.

You are free to make any choice without fear of offending anyone.

These are your rights under the constitution and laws of the state of Nebraska.

If you have any questions about these rights, or about any part of the legal process, ask the judge when your turn comes to address him or her.

Please tell the court staff if you need an interpreter and have a seat in the courtroom until your name is called.

Additional Felony Advisement

If you are charged with a felony, you have the additional right to a preliminary hearing. At that preliminary hearing, you have a right to be represented by an attorney of your own choosing at your own expense. However, if you're unable to afford an attorney, one will be appointed to represent you at no cost to you. At that preliminary hearing, the burden is on the State of Nebraska to show the Court that a crime has been committed and that there's probable cause to believe that you're the one that committed that crime. At the preliminary hearing, you have a right to cross examine witnesses. You have a right to compel or force the attendance of witnesses through use of the subpoena power of the Court. You have a right to testify however no one can force you to testify. That's because you have a privilege against self-incrimination and a right to remain silent. If the State is not able to meet that burden of proof at a preliminary hearing, then the felony would be dismissed here in County Court. However, if they meet their burden of proof or if you waive or give up your right to a preliminary hearing, you will be bound over to the District Court which is the trial Court for all felony matters.