

ATTACHMENT*

RULES OF PROCEDURE IN TRAFFIC CASES AND BOATING CASES

Rule 8. Procedure on Plea of Guilty

(a) At the arraignment of a defendant for a Traffic or Boating Offense and before accepting a plea of guilty in open court, the Court shall inform the defendant of his or her legal rights, including the right to retain an attorney; to plead not guilty, in which event the presumption of innocence until proven guilty beyond a reasonable doubt applies; to have a speedy public trial and to face and cross-examine the witnesses against him or her, and to present evidence in his or her defense; to have subpoenas issued by the Court to compel the attendance of any witness in his or her behalf without expense to him or her, and to testify in his or her own behalf or not, as desired; to demand a trial by jury where such right is provided by Constitution or law; and to appeal any conviction to the Superior Court.

(b) When a Judge or Court permits a plea of guilty to a Traffic or Boating Offense to be made other than in open court, the plea shall be in writing signed by the defendant, and shall recite that defendant waives his or her right to trial, enters a plea of guilty to the offense described in the Complaint and consents to judgment imposing the prescribed fine. Such plea shall be deemed accepted, and the judgment and sentence imposing the prescribed fine shall be deemed pronounced on the plea, when the fine is paid.

(c) A defendant may appear in person or in writing before the scheduled arraignment date and seek adjudication of a traffic or boating violation upon presentment of a copy of the charging document. Such an appearance shall constitute a waiver of applicable time limits and any objection to technical defects in the charging document or other available motions challenging the sufficiency of the allegations. If, after complying with paragraph (a) of this rule, the court determines that the defendant's change of plea to guilty/no contest (or for civil violations, responsible) is otherwise knowing, voluntary, and intelligent, and has a factual basis, the court may accept the copy of the complaint as the charging document for purposes of case initiation and adjudication of same. If the defendant has appeared in writing and not in person, the court shall comply with the requirements of paragraph (b) of this rule. Upon timely receipt of the original charging document, the court shall file the original as part of the initial case disposition and otherwise maintain proper records of the case resolution. Where no original is received, the court may take such steps as necessary to vacate the change of plea, dismiss the complaint, refund any payments, or otherwise restore the case to its initial posture, as appropriate.

* Changes or additions in text are indicated by underscoring and deletions from text are indicated by ~~strikeouts~~.