

STATE OF MAINE
UNIFIED CRIMINAL DOCKET COURT

JUSTICE ROBERT MURRAY'S UCD ARRAIGNMENT VIDEO

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1 (Recording begins)

2 THE COURT: Good day. The purpose of today's
3 proceeding is to advise you of your rights, to inform you of
4 the charges against you, to make sure you understand each of
5 these charges, and to ask you to enter a plea to the charges in
6 most instances. This is not the day for any trial on a charge.
7 If you wish to contest the charge, the actual trial will be
8 scheduled for a later time.

9 You need to understand that even though you are
10 charged with a crime, you are presumed to be innocent. You
11 cannot be found guilty of the charge unless you plead guilty or
12 no-contest, or unless the State, at a trial, proves the
13 criminal charge against you beyond a reasonable doubt. That
14 is, the State presents enough evidence to convince a judge or a
15 jury that the charge is almost certainly true.

16 If the charge against you today involves a civil
17 offense as opposed to a criminal violation, the State must
18 prove the allegations by a preponderance of the evidence. This
19 means the State must prove that what it is alleging is more
20 likely than not true.

21 You have the right to have a lawyer at all stages of
22 these proceedings. For today's proceeding a lawyer of the day
23 is available to assist you at no cost to you. Going forward
24 you may hire a lawyer of your own choosing or you may apply for
25 a court-appointed lawyer. If you are truly without sufficient

1 funds to hire a lawyer, the Court will appoint a lawyer at
2 little or no cost to you. Court-appointed lawyers are
3 available only on charges where there is a realistic
4 possibility that you could be sentenced to jail. In a moment,
5 when the judge addresses you individually, the judge will tell
6 you if there is a risk that you could be sentenced to jail if
7 you are convicted.

8 If you want to apply for a court-appointed lawyer,
9 fill out the application form that you have been or will be
10 given and present it to the judge when you hear the judge call
11 your name. The judge will determine if you qualify for a
12 court-appointed lawyer.

13 If there is no risk that you would be sentenced to
14 jail, you still have a right to be represented by a lawyer, but
15 you will have to hire that lawyer, and you will have to do so
16 soon so that the lawyer will have time to prepare your case and
17 be ready to proceed at the next scheduled court appearance.

18 You also have the right to consult with the lawyer of
19 the day or a lawyer of your own choosing for a reasonable time
20 today before you enter any plea to any charge. If you do not
21 hire a lawyer or have a lawyer appointed to represent you, you
22 will be held to the same standards as a lawyer, and the
23 presiding judge will not be able to help you in deciding on
24 your plea today or in handling your defense at a trial.

25 I caution you that it is risky for persons untrained

1 in the law to represent themselves. Lawyers are trained to
2 identify possible defenses, follow the rules of procedure and
3 the rules of evidence, and conduct trials, including
4 questioning witnesses, admitting and objecting to evidence, and
5 arguing the case. Be aware that the State will be represented
6 by a lawyer from the District Attorney's Office at every
7 proceeding in your case.

8 You have the right to remain silent. That means that
9 you are not required to say anything about the charges. If you
10 do say something about the facts of the charge, understand that
11 that that statement may be used against you. You may be called
12 upon today to enter a plea. Pleas could be guilty, not guilty,
13 or no contest. If you do not want to say anything, a plea of
14 not guilty will be entered for you.

15 If you plead guilty, you are admitting the charges.
16 You are giving up all of your rights to defend the charges, and
17 giving up all of the rights I'm explaining today, including
18 your rights to a trial and your rights to the assistance of an
19 attorney. If you do plead guilty today, then the judge is very
20 likely to impose the sentence, or fine, or other disposition
21 today.

22 If you plead no contest, you are not specifically
23 admitting the acts alleged in the charges, but you are agreeing
24 that the State could prove the charges against you, and
25 agreeing to be found guilty nonetheless. Again, you are giving

1 up all rights that I am explaining today, including your right
2 to an attorney and the right to defend the charges. Please
3 note that a judge has to approve a no-contest plea before it is
4 accepted.

5 A plea of not guilty will set the case on a course
6 for a trial. However, you have the right to change your mind
7 at any later point and change your plea to guilty or no contest
8 if you wish.

9 Before asking you to plead, the judge will explain
10 the particular charge or charges pending against you, including
11 the sentencing class of the charge. In Maine crimes are
12 classified by letters, and each class has a maximum jail
13 sentence and a maximum fine. Class A crimes have a maximum
14 possible sentence of up to 30 years in prison and a maximum
15 fine of up to \$50,000. Class B crimes have a maximum possible
16 sentence of up to ten years in prison, and a maximum fine of up
17 to \$20,000. Class C crimes have a maximum possible sentence of
18 up to five years in prison, and a maximum fine of up to \$5,000.
19 Class D crimes have a maximum possible sentence of up to 364
20 days in jail, and a maximum fine of up to \$2,000. Class E
21 crimes have a maximum possible sentence of up to six months in
22 jail, and a maximum fine of up to \$1,000.

23 If you are charged with a Class A, B or C crime you
24 will not be required to enter a plea today. These class of
25 crimes are considered felony offenses. You have the right to

1 have your case presented to a grand jury, and to have the grand
2 jury determine whether there is probable cause to return an
3 indictment against you. If you do wish to enter a plea of
4 guilty or no contest today, you will have to give up your right
5 to have your case presented to a grand jury, and you will have
6 to sign a waiver of indictment. Although, you may do this if
7 you wish, I strongly encourage you to speak to a lawyer before
8 requesting to do so.

9 Assuming you do not enter a plea to the felony
10 offense charge today, you will be given a date to return to
11 court for a dispositional conference. You will also be given
12 dates which will establish any deadlines for filing any
13 pretrial motions and the date for your trial. At the time of
14 the dispositional conference a judge will speak with you or
15 your attorney and the Prosecutor to see if the case can be
16 resolved without a trial. If your case is not resolved at that
17 time, it will be scheduled for further proceedings that will be
18 explained at the time of your dispositional conference.

19 If you are charged with a Class D or E crime, you
20 will be asked to enter a plea today. If you plead not guilty
21 you will be given a date to return to court for a dispositional
22 conference and a date for a trial. At the time of the
23 dispositional conference a judge will speak with you or your
24 attorney and with the Prosecutor to see if the case can be
25 resolved without a trial. If it cannot be resolved without a

1 trial, a trial will be heard within a short time after the
2 conference.

3 Each trial will be heard by a jury unless you decide
4 to waive your right to have a jury hear your case. If you
5 waive your right to a jury trial, a judge will hear it and
6 decide whether the State has proven its case. The decision
7 about waiving a jury trial will be made at the dispositional
8 conference.

9 If you are convicted of certain specific crimes you
10 may lose your right to purchase, possess, or own a firearm or
11 any type of ammunition. The specific crimes include Class A,
12 Class B, and Class C crimes, and offenses that involve:

13 1) The use or even an attempt to use physical force;

14 2) Offense of physical contact;

15 Or, 3) The use or threat to use a deadly weapon;

16 And the victim was your spouse, your child, your
17 parent, your intimate partner or someone in a similar
18 relationship with you, or someone you have a child with.

19 The judge can tell you whether you are charged with
20 such a crime. If you are, I would strongly suggest that you
21 speak with an attorney before entering a plea of guilty or no
22 contest. As I said, you could lose your right to own, possess,
23 or purchase firearms if you are convicted of one of these
24 crimes.

25 If you were not born in the United States, or you are

1 not a citizen of the United States, make sure you tell that
2 fact to your attorney or the judge if you don't have an
3 attorney. Make sure you tell them you are not a citizen before
4 you enter a guilty or no-contest plea. If you are found guilty
5 of a crime certain serious immigration consequences, including
6 deportation, could occur. If you are uncertain about your
7 legal status, or need additional information or help with
8 regard to your immigration status, I encourage you to contact
9 the Immigrant Legal Advocacy Program before you enter a guilty
10 or no-contest plea today.

11 Maine law presumes that fines, plus the required
12 surcharges and assessments, will be paid in full on the day
13 that they are imposed. If you are truly without resources to
14 pay a fine in full at this time, tell the judge and a payment
15 plan may be available. In addition to the base fine amount the
16 judge could impose as part of your sentence, the Maine
17 legislature requires that 20 percent of the base fine amount in
18 surcharges, and either a \$10 or a \$25 victim fund fee must be
19 added to the amount you are required to pay. That means, for
20 example, if you receive a fine of \$100 for a Class D or E
21 crime, you actually will have to pay \$130.

22 If the judge issues a court order providing you with
23 additional time to make your fine payment, you will need to
24 make your payments to the clerk's office so that the payments
25 are received by the clerk no later than the date and time

1 imposed by that order. Payments can be mailed to the clerk so
2 long as they are received by the deadline. If you fail to make
3 your fine payment in the amount ordered by the time of the
4 deadline imposed, you need to appear in court, in person, at
5 the date and time imposed for the fine payment to explain why
6 payment can't be made. If you fail to make the payment and you
7 fail to appear in court, the court will likely issue a warrant
8 for your arrest and suspend any license that has been issued to
9 you by the State of Maine.

10 There are different processes that bring people
11 before the court. You may be here on a new charge, a bail
12 violation, a probation violation, an unpaid fine, and so on.
13 The rights and procedures I have explained may vary slightly
14 depending upon which type of process brings you before the
15 court. If you have any question you should ask the judge or
16 your lawyer to explain the specific details that apply to your
17 case before you make any decision or you take any action on
18 your case.

19 (Recording Concluded)

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