PLYMOUTH POLICE DEPARTMENT

334 Main Street
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Nathan Buffington
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***IT IS VERY IMPORTANT THAT YOU PROVIDE A VALID EMAIL ADDRESS TO THE POLICE DEPARTMENT AS THE PROSECUTOR'S OFFICE USES THIS AS A MEANS OF SENDING YOUDISCOVERY ANDOTHERIMPORTANT DOCUMENTS REGARDING YOUR CASE***

# COURT APPEARANCES

You have been ordered to appear in the 2nd Circuit Court, District Division Plymouth on the date and time specified by the Bail Commissioner. Instructions to the Court are on the reverse side of this document. Weapons of any type are not allowed in the Court House and you will be electronically screened (like at the airport) prior to entering the lobby.

The business of the Court is conducted in a formal, courteous and dignified manner. You should dress accordingly and it is expected that all will rise when addressing the court. Jeans, cut-offs, shorts, halter-tops and other recreational clothing are not conducive to the dignity of the court decor. The presiding officer is addressed as Judge or Your Honor.

It is of critical importance that you fully understand that every element of the charged offense(s) must be proved by the prosecution beyond a reasonable doubt. In the absence of such proof, your innocence is assumed. You may wish to confer with an attorney prior to making any decisions. Many attorneys do not charge for initial consultation. Attorneys are listed in the Yellow Pages of the phone book under Lawyer. NH Legal Services (1-800-639-5290) or Internet: http://www.larchnh.org is available for legal assistance, information and support.

You may want to give consideration to discussing your case with our prosecutor, Lt. Michael Clark, who will be available prior to the opening of the courtroom or can be reached at 536-1804 ext. 126. Calls to the Prosecutor are **NOT necessary** however if you have **specific questions about your case or the process you are encouraged to call.** Generally, it takes about two weeks or more for the case file to arrive at the prosecutor's office, so allow some time to elapse before you call the prosecutor. You are under no obligation to do so, but you could resolve the matter prior to a trial. The prosecutor is the only person who can offer you a plea recommendation (plea bargain). It is up to the Judge to accept or reject any plea recommendation. No police member of this department, other than the prosecutor, can offer a plea recommendation and/or plea bargain.

When your case is called in the courtroom, you will go forward to the podium while the charge(s) are announced. If you do not wish to have the complaint read aloud, you may inform the Judge that you are *waiving the reading of the complaint *. The Judge will ask you how you wish to plea. You have three options:

**Guilty:** This is an admission that you committed the offense(s) as alleged.

**Nolo Contendere: (No Contest).** You are neither admitting nor denying the charge(s). Should the Judge accept your plea and after a verbal rendition of the facts by the prosecutor, a finding of guilty will be made. Nola Contendere is only accepted in cases where civil liability could be attached, such as an assault case where the victim could ultimately file a law suit against you. Generally, charges such as possession of alcohol or drug related cases would not be acceptable for a Nola plea.

**Not Guilty:** By pleading Not Guilty, you are asking for a trial and a date will be set by the Court for your return for a *TRIAL MANAGEMENT CONFERENCE.* The Judge will review your bail conditions and make appropriate orders. If you

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are uncertain about your plea, or if you wish to consult with an attorney, you should plead Not Guilty. You may,with the consent of the Court, change your plea at a later date.

**The TRIAL MANAGEMENT CONFERENCE is NOT a trial.** This is an opportunity for you or your lawyer to meet with the Prosecutor and discuss a possible resolution to the case. In most instances an agreement is made at this time and you will return to the court room that day and enter a plea and pay your fine. However, in some instances an agreement cannot be made and you will then need to return at a later date for a trial.

The maximum penalties that can be imposed are:

**Class A-Misdemeanor:** $2,000.00 fine, imprisonment of 1 year, or both.
**Class B-Misdemeanor:** $2,000.00 fine.
**Violation:** $1,000.00 fine. A violation is not a crime.

If you are charged with a Felony or Class A-Misdemeanor, you may apply for a court appointed attorney. You should immediately inform any court officer or the Clerk of Court so as to start the required paperwork. You must complete the application prior to leaving the court. If you plead guilty or are found guilty after trial and a fine is imposed by the Court, you will be expected to pay the fine in the full immediately. The Court can order commitment to the County Correctional Facility for the non-payment of fines at the rate of $50.00 per day. **FINES ARE DUE AND PAYABLE ON THE DAY OF COURT THERE ARE NO ARRANGEMENTS MADE FOR TIME PAYMENTS.** The Court accepts cash, checks and credit cards for payment of fines.

If you are charged with a Class A-Misdemeanor or Felony level offense, you have the right to counsel at your arraignment and you should contact the Court immediately to file an affidavit if you are app lying for court appointed counsel. If you are being bailed, the Bail Commissioner will provide you with the affidavit to file.

If you fail to appear for any of your scheduled court appearances, you may be charged with bail jumping and any bail amount could be forfeited to the State. In addition, you can lose your privilege to drive in the State of NH for failure to appear.

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- From Interstate 93, take Exit 25 (Holderness Rd/ Plymouth).
- Turn right at bottom of ramp, and take Route 175A West across the DiCenzo Memorial Bridge into Plymouth.
- Just over the bridge, and before you reach the Main St. roundabout, turn left onto Green St.
- Plymouth District Court will be the first building on the left.