



SHOULD I DISCUSS MY CASE WITH THE MUNICIPAL PROSECUTOR?

You are not required to speak with the Prosecutor. Whether or not you discuss your case with the Prosecutor is entirely your decision. The Prosecutor is not your attorney. What you say to the Prosecutor during these discussions **cannot** be used against you during Trial if you later decide to plead Not Guilty.

In making your decision whether to speak with the Prosecutor you should understand that the Prosecutor has the authority to decide which cases should be prosecuted and which cases should be dismissed. The Prosecutor has the right to let you plead guilty to less serious charges and make recommendations to the judge about what fines and would be appropriate. While the Prosecutor has the authority to offer a plea deal, he/she is under no legal obligation to make an offer.

In some cases, the Prosecutor may also recommend that a case be handled with a **Deferred Judgment and Sentence**. This is a unique agreement in which a defendant pleads guilty but is not sentenced immediately by the Court. Instead, the case is continued for sentencing to a later date, which may be three, six or twelve months in the future. If the defendant keeps promises contained within the Deferred Judgment and Sentence Agreement during this period of time, then, on the sentencing date, the plea of Guilty is withdrawn and the case dismissed. If the defendant fails to keep these promises he will be immediately brought back to Court and sentenced by the Judge. The promises made to the Court on a Deferred Judgment and Sentence may vary depending on the type of case.

All these matters are appropriate topics of discussion with the Prosecutor. The Court does not participate in these discussions, nor can the Court guarantee that you and the Prosecutor will be able to resolve your case during these discussions.

If you wish to talk to an attorney after discussing your case with the Prosecutor, the Court will grant you one continuance to do so. Plea bargain offers made by the Prosecutor will not be withdrawn because you wish to consult an attorney. Such offers will remain open through your next court appearance.

You must read, complete and sign the (blue) Advisement of Rights form before the Prosecutor can speak to you about your case.