**RULE 210. Arraignment**

1. **In Court**
2. Arraignment shall be held upon defendant’s first appearance in court, unless defendant is granted a continuance to seek assistance of counsel, to determine which plea to enter, or for other good and sufficient reasons. The court shall advise each defendant of the right to have the arraignment continued upon request for good cause shown, and if no such request is made, the court may proceed with the arraignment.
3. Arraignment shall be conducted in open court, and the defendant may appear in person or by counsel. If a plea of guilty or nolo contendere is entered by counsel in the absence of the defendant ~~or in writing by the defendant~~ submitted in writing by an absent defendant and is accompanied by a signed advisement of rights and wavier, the court may enter sentence in the defendant’s absence or command the appearance of the defendant in person for the imposition of sentence.
4. Upon arraignment, the defendant or counsel shall be furnished with a copy of the complaint or summons and complaint if one has not been previously served.
5. A defendant appearing without counsel at arraignment shall be advised by the court of the nature of the charges contained in the complaint and the maximum penalty which the court may impose in the event of a conviction. In addition, at the first appearance of the defendant in court or upon arraignment, whichever is first in time, it is the duty of the judge to inform the defendant and make certain that the defendant understands the following:
6. The defendant has a right to bail, if the offense is bailable, and the amount of bail that has been set by the court;
7. To make no statement, and that any statement made can and may be used against the defendant;
8. To be represented by counsel. If the defendant is an indigent person, ~~he or she~~ the defendant may make application for a court-appointed attorney, and, upon payment of the application fee, ~~he or she~~ the defendant will be assigned counsel as provided by law or applicable rule of criminal procedure;
9. To have process issued by the court, without expense to the defendant, to compel the attendance of witnesses in defendant’s behalf;
10. To testify or not testify in defendant’s own behalf;
11. To a trial by jury where such right is granted by statute or ordinance, together with the requirement that the defendant, if desiring a jury trial, demand such trial by jury in writing within 21 days after arraignment or entry of a plea; also the number of jurors allowed by law, and of the requirement that the defendant, if desiring a jury trial, tender to the court within 21 days after ~~arraignment or~~ entry of a plea a jury fee of $25 unless the fee be waived by the judge because of the indigence of the defendant or refunded by the court pursuant to C.M.C.R. 223;
12. To appeal;
13. Any plea the defendant makes must be voluntary on ~~his or her~~ the defendant’s part and not the result of undue influence or coercion on the part of anyone.
14. **At Office of Court Clerk or Violations Bureau.**
15. Except where arraignment and immediate trial are available, the court, in order to eliminate unnecessary court appearances, may provide that a defendant desiring to enter a plea of not guilty may enter an appearance and such a plea at the clerk’s office or violations bureau, in person or by counsel, and have the case assigned for trial at a future date. The clerk shall furnish notice of such entry of a plea to the prosecutor without delay.
16. Before a plea of guilty is received, the defendant shall be arraigned in court as provided in section (a) above, unless the offense is a civil violation or traffic infraction and is included in a uniform schedule of fines imposed by the court in accordance with the provisions of subsection (5) below, and the defendant elects such procedure.
17. Under the conditions specified in subsection (4) herein, a court where authorized may establish a procedure for the payment to the court clerk or violations bureau according to a schedule of fines. In such matters the violations bureau shall act under the direction and control of the court
18. Any court subject to these rules may by order, which may from time to time be amended, supplemented, or repealed, designate the violations, the penalties for which may be paid at the office of the court clerk or violations bureau. In no event shall the order of reference, or any amendment or supplement thereto, designate for processing any of the following traffic **~~violations~~** offenses:
19. Offenses resulting in an accident causing personal injury, death, or **~~appreciable~~** (insert other word such as significant or material??) damage to the property of another;
20. Careless driving;
21. Reckless driving;
22. Exceeding the speed limit by more than **~~twenty-four~~** forty miles per hour;
23. Exhibition of speed or speed contest;
24. No insurance or no proof of insurance;
25. Eluding or Attempting to Elude.
26. **Schedule of Fines.** The court, in addition to any other notice, by published order to be prominently posted in a place where fines are to be paid, shall specify by suitable schedules the amount of fines to be imposed for violations, designating each violation specifically in the schedules. Such fines shall be within the limits declared by ordinance. Fines and costs shall be paid to, receipted by, and accounted for by the violations clerk or court clerk in accordance with these rules.