

# KNOW YOUR RIGHTS: SHERWOOD DISTRICT COURT



## Arkansas

### Access to Counsel

- Prior to any plea, in any criminal or hot check case, the Judge should tell you the possible jail time and the court costs you are potentially facing.
- You have a right to an attorney or a public defender to be appointed at no cost if you cannot afford counsel. If you are indigent and choose the assistance of a public defender, one will be appointed to represent you before a plea or sentence on the charges.
- You cannot be forced to waive your right to counsel at the hearing.

### Evaluation of Ability to Pay Legal Financial Obligations During Initial Appearance

- Whenever the Judge seeks to impose a sentence that includes court fines or fees, the Judge or an employee of the Court will provide you with a copy of the “Sherwood District Court Unable to Pay Your Ticket or Fine” document (see page 3) and the “Affidavit of Ability to Pay” (see page 4).
- At sentencing, the Judge will conduct an individualized evaluation of your ability to pay. In conducting this evaluation, the Judge will consider the information provided by you on the Affidavit of Ability to Pay.
- If you cannot pay the court costs assessed, you have a right to ask the court to waive or reduce your fines, resentence you to community service, or impose other alternatives.

### If You Are Able to Pay Your Legal Financial Obligations:

- You should discuss with your lawyer whether you can pay in full and whether you can pay a lower amount through a monthly payment plan.
- If you state that you are able to pay, but not pay in full, on sentencing day, you should not be jailed. You should be given the option of paying through a monthly payment plan administered by the Court.

### Recent Reforms in the Sherwood District Court:

1. Halt the jailing of people who cannot pay court debts.
2. Halt the revocation of drivers' licenses for failure to pay court debts.
3. Conduct an individualized evaluation at sentencing of your ability to pay.
4. Provide clear notice of your right to counsel before the entry of any plea & your rights if you are unable to pay your court debt.
5. Provide an option of receiving a sentence of community service when you cannot pay.
6. Provide you an opportunity to adjust your payment schedule or waive remaining payments and an opportunity to be resentenced to community service if you fall behind on payments.

**Note:** There is no set minimum amount that the Court will accept as payment in monthly installments.

### If You Are Not Able to Pay Your Legal Financial Obligations:

- If you state you are unable to pay your legal financial obligations, you should be given the option of community service instead of a fine.
- If you receive community service, you should be given options as to where you can perform the service and an explanation as to what you must do. Community service hours ordered are to be proportionate to the violation and reasonable for you.

### Missed Payments or Failure to Keep Up with Community Service

- An employee of the Sherwood District Court will call to ask whether you need to see the Judge to provide updated information on your ability to pay your Legal Financial Obligation (LFO) or your ability to perform required community service.
  - If you do not have a current contact number on file, notice will be mailed to the last address you provided to the court.
- If you are on a payment plan and fail to make two consecutive monthly payments, or you are on a community service plan and fail to perform the required hours during two consecutive months, and you fail to respond to attempted contact from employees of the Court regarding noncompliance, the Court may cause to be served a written notice, with an Order to Show Cause, directing you to appear at the Court for a hearing to explain your failure to comply.

**Note:** An Order to Show Cause is NOT an arrest warrant, and no person will be subject to arrest or detention at the time an Order to Show Cause is served.

### Access to Courtroom

Members of the public are permitted to attend court with you and enter to observe the court proceedings.



904 West 2<sup>nd</sup> Street, Suite 1  
Little Rock, AR 72201  
[www.acluarkansas.org](http://www.acluarkansas.org)

To get help from the ACLU of Arkansas:  
Write to us at the address above or visit  
[www.acluarkansas.org/get-help](http://www.acluarkansas.org/get-help)

**When the Court seeks to impose a sentence that includes court fines or fees, the Judge or an employee of the Court will provide you with a copy of the document on this page and the “Affidavit of Ability to Pay” on page 4.**

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**SHERWOOD DISTRICT COURT  
UNABLE TO PAY YOUR TICKET OR FINE**

If you requested a fine payment plan, but your circumstances change, and you are unable to pay your fine, the court can allow you to work the fine off in the form of community service. For each day of community service worked, you will be given at least \$40.00 credit toward your fine. (For example, if your fine is \$400.00 and you request community service as the way to pay it you will be assigned 10 days of service work or less.) The community service can be done at a location near your home or work, or at a court-selected place. You will be given a form for the supervisor of the community service to sign verifying the day(s) performed.

The judge will set a review date for you to inform the Sherwood District Court that you finished the community service. You may appear in person on the assigned date. If you appear but have not completed the days assigned, the court will give you an extension and a new review court date. No one will be committed to jail for failure to pay fines or complete their community service, unless the court, after a hearing\*, determines the conduct not to pay the fines, or complete the community service, was willful.

If you complete the assigned days before your court date, simply turn in, in person, or mail in the community service sheet to the Sherwood Court Clerk, and you will not have to participate in the review hearing.

If you are on a payment plan or doing community service, and find that you need an adjustment in the amount you pay or days of community service, please contact the court immediately at (501) 835-0898. You will be given a court date to discuss the matter with the judge.

\*If the Court schedules a hearing because of non-payment, your ability to pay will be a crucial issue. The court may inquire about your finances to include, but not limited to: income, expenses (i.e., rent, childcare, utilities, clothing, food, medical conditions/bills, transportation etc.), bank accounts, and other assets. The court may also inquire about your efforts to obtain money to pay, including your job skills, and efforts to apply for jobs. The judge will give you an Affidavit to complete, and a meaningful opportunity to be heard on the question of your financial circumstances. You should also present any documents that you want the judge to consider.

Consult an attorney before coming to your hearing. If you cannot afford an attorney the court will appoint the Public Defender at no cost to you.

**PLEASE NOTE. You are responsible for making sure the court has your correct address, telephone number, and e-mail. Please notify us immediately of any change of address, telephone number, or email.**

**SHERWOOD DISTRICT COURT  
AFFIDAVIT OF ABILITY TO PAY**

CASE NO. \_\_\_\_\_

Name	Date of Birth:	Last 4 digits of SSN#:
Address:	City	Zip:
Phone:	Fax:	E-mail:
Employer:	Work Phone:	Length of Employment:
Other Employment:	Work Phone:	Length of Employment:

**ASSETS**

Vehicle 1: (Make, Model, Year)	Present value:
Vehicle 2: (Make, Model, Year)	Present value:
Boat, Jet ski, Motorcycle, 4-wheeler:	Present value:
Home, Other Real Estate	Present value:
Savings/Cash/Checking	Present value:

**MONTHLY INCOME**

**MONTHLY EXPENSES**

Net Monthly Income (Self)		Mortgage
Net Monthly Income (Spouse)		Vehicle Payments
Child Support/Alimony Received		Utilities
Social Security/Disability Received		Child Support/Alimony Payments:
Other Income:		Food:
		Other Payments: (Credit cards)
<b>Total Income</b>		<b>Total Expenses:</b>

I, \_\_\_\_\_, swear that the information provided herein is true, to the best of my knowledge and recollection. I understand that furnishing false information under oath, may subject me to