

## **CHERRY HILLS VILLAGE MUNICIPAL COURT ADVISEMENT OF RIGHTS**

The following is an explanation of your rights in this Court. Before you enter into a plea and appear before the judge, you will have the opportunity to speak with the City Prosecutor; the purpose of that discussion is to explore a disposition or plea bargain in your case. If you do not want to enter into a plea agreement with the City Prosecutor, you have the right to plead not guilty and set your case for trial.

### **YOU HAVE THE FOLLOWING RIGHTS:**

1. To be presumed innocent of the charges, and if you plead not guilty the prosecution must prove your guilt beyond a reasonable doubt.
2. To be represented by an attorney at your own expense. You have the right to have this arraignment continued to obtain one. In certain cases, if you cannot afford an attorney one may be appointed to represent you.
3. To a full explanation of the nature of the charges against you. If you do not understand what you are charged with, you have the right to ask the judge. The maximum sentence the Court may impose on each charge is listed on the back of this form.
4. To enter a plea that is voluntary and not the result of undue influence or coercion on the part of anyone. A plea of guilty means that you give up the right to require the prosecution to prove your guilt beyond a reasonable doubt. If you plead not guilty, you will have a trial to a judge or, in certain cases, a trial to a jury. To obtain a jury trial, you must request, in writing, a jury trial and post a \$25.00 jury deposit within 21 days after the arraignment or entry of a plea. The jury shall consist of three (3) persons, unless a greater number, not to exceed six (6), is requested. The jury deposit may be waived if you show that you are indigent.
5. To testify or not testify on your own behalf. Your silence cannot be used against you. If you make any statement, it can and may be used against you. You have the right for the Court to issue subpoenas to compel witnesses to testify for you. You have the right to cross examine witnesses called to testify against you.
6. To a speedy trial within ninety-one (91) days of your arraignment date.
7. To make a statement before any sentence is imposed upon you. You have the right to appeal a conviction within 35 days after the date of entry of the judgment or the denial of post-trial motions, whichever is later.
8. To bail and to be advised as to the amount of bail set by the Court.
9. If you are not a citizen of the United States, you are advised that a conviction of the offense for which you have been charged may have the consequences of deportation, exclusion from admission to the U.S., or denial of naturalization pursuant to the laws of the U.S. You have the right to consult with an attorney prior to entering a plea of guilty or nolo contendere.

### **SEALING OF RECORDS**

You are advised that a person in interest may petition the district court, of the district where any arrest and criminal justice information pertaining to such person of interest is located, for the sealing of said arrest and criminal records. The records that may be sealed pursuant to this process are records of official actions involving a criminal offense for which the person in interest was not charged, in any case that was completely dismissed, or in any case in which the person in interest was acquitted. There are limitations and exceptions to this rule. You are responsible for paying the filing fee associated with this motion. Additional information concerning this process can be found in C.R.S. §24-72-708. Please consult the statute or legal counsel with any questions you may have about sealing criminal justice records. Court staff may not give you legal advice.

### **EXPUNGEMENT OF JUVENILE DELINQUENCY RECORDS**

Pursuant to C.R.S. §19-1-306 you may ask the court to expunge your juvenile record. "Expungement" means your records will be considered to have never existed, and the public will not be able to see the records. You may lawfully deny that you have ever been arrested, charged, adjudicated, convicted, or sentenced in regard to the expunged matter. A petition to expunge juvenile records must be filed in the court that has jurisdiction over the case. There are certain eligibility requirements and limitations for the expungement of juvenile records. If the Court issues an expungement order, the Court will also send a copy of the expungement order to any agencies, persons, companies, or organizations that you have provided directing the entity to expunge its records. Please consult the statute or legal counsel with any questions you may have about expunging juvenile delinquency records. Court staff may not give you legal advice.

## **MAXIMUM PENALTIES**

<b>ADULT</b>	<ul style="list-style-type: none"><li>• Consistent with In re People vs. Camp, the Court will not impose a maximum penalty that exceeds the maximum penalty allowed under state law for comparable state misdemeanor and petty offenses.</li><li>• Non-traffic violations: \$2,650.00 fine, a jail sentence of 364 days, or both.</li><li>• Reckless Driving, Eluding a Police Officer, Speed Contest, or Careless Driving: \$2,650.00 fine, 364 day jail sentence or both.</li><li>• Compulsory Insurance: 1<sup>st</sup> offense in 5 years - mandatory minimum \$500.00 fine. 2 or more offenses in 5 years - mandatory minimum fine of \$1,000.00 and between 10 days and 364 days in jail.</li><li>• All other traffic violations: Maximum fine \$2,650.00.</li></ul>
<b>JUVENILE</b>	<ul style="list-style-type: none"><li>• Consistent with In re People vs. Camp, the Court will not impose a maximum penalty that exceeds the maximum penalty allowed under state law for comparable state misdemeanor and petty offenses.</li><li>• Traffic cases: Maximum fine \$2,650.00</li><li>• Criminal cases: Maximum fine \$2,650.00. Failure to comply with a court order could result in a sentence to a juvenile detention facility up to 48 hours.</li><li>• Your driver's license may be revoked if: (1) you are convicted of possession of alcohol, marijuana or drug paraphernalia by a minor and fail to complete a court-ordered evaluation or treatment; or (2) you are convicted of a second possession of alcohol/marijuana/paraphernalia by a minor.</li></ul>

## **PAYMENTS**

The Court expects you to pay all fines and court costs on the day of your guilty plea. If you are unable to pay a monetary amount due, you must appear before the Court and explain why you are unable to pay the monetary amount due. If you lack the present ability to pay the monetary amount due without undue hardship to you or your dependents, you may request a reduction in the amount or any alternative sentence that does not involve incarceration. The Court will not jail or otherwise punish you for your inability to pay the monetary amount due. However, if you have the ability to pay the monetary amount as directed by the Court but you willfully fail to pay, you may be imprisoned for failure to comply with the Court's lawful order to pay pursuant to the terms of and procedures set forth in C.R.S. § 18-1.3-702.

If you cannot complete any of the terms and conditions ordered by the Court you may appear before the Municipal Court and request additional time. IF YOU FAIL TO APPEAR BEFORE THE COURT OR IF THE COURT DENIES YOUR REQUEST FOR ADDITIONAL TIME THE CONVICTION TO THE ORIGINAL CHARGE(S) SHALL ENTER.

**I have read and understand both the front and back of this advisement.**

**Date:** \_\_\_\_\_

**Name Printed:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

**Phone Number:** \_\_\_\_\_

**Parent Signature (needed if defendant is less than 18 years of age):** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Email Address:** \_\_\_\_\_

**If you have any questions regarding the above information or processes, you should consult legal counsel.**