

**Parachute Municipal Court
Advisement of Rights**

**In Court, you should remain seated and quiet until your name is called.
When your name is called come to the front table and be seated.**

Make sure all cell phones have been turned off

Plaintiff Vs. [PartyName], DEFENDANT

Case No.: [CitationNumber]

AS A DEFENDANT IN THIS COURT, YOU HAVE THE FOLLOWING RIGHTS:

- 1 You are presumed innocent which means that the Prosecution has to prove the charges against you beyond a reasonable doubt or trial.
- 2 You have the right to remain silent. Any statement you make must be voluntary on your part. Any statement you make may be used against you at a later time. Rule 210(a)(4)(II).
- 3 You have the right to be represented by an attorney at all stages of the proceeding against you. Rule 210(a)(4)(III)
- 4 You may request that this arraignment be continued for a reasonable period of time so that you may retain a lawyer or for other good and sufficient cause. Rule 210(a)(4)(II).
- 5 You have the right to a trial to the Court, which means the judge will act as the jury. Where the right is granted by statute or City Ordinance, you have the right to a trial to a jury of from three to six persons. Where you have such a right, you must file a written demand for a jury and pay a \$25.00 jury fee within twenty one days of today's date. The Court may waive the jury fee if you are indigent. You must specify the number of jurors you wish at the time you make the jury demand, or you will be tried to a jury of three persons. Any jury demand or jury fee made after twenty one days of today's date will not be accepted. Rule 210(a)(4)(VI); Rule 223
- 6 You have the right to a public trial within ninety one days from today's date unless you, by your actions or your request, extend that period. Rule 248(b).
- 7 You have the right to ask questions of all witnesses who appear and testify against you.
- 8 You have the right to present a defense, but you are not required to do so.
- 9 You have the right to call witnesses to testify on your behalf and to command their appearance by subpoena.
- 10 The court will issue subpoenas for you, without expense on your part, to command the attendance of witnesses to appear in court and give testimony for you. The court clerk will not serve the subpoenas for you. Rule 210(a)(4)(IV).
- 11 At trial, you may testify on your own behalf, or remain silent, as you choose. If you do not testify, no inference of guilty will be drawn from that silence. Rule 210(a)(4).
- 12 If the decision of the trial court is against you, you may appeal the decision to a higher court. Rule 210(a)(4)(VII).

This is an arraignment session of the Court at which you will be asked to enter a plea to the charge(s) against you. You may plead "Guilty", "Not Guilty", "No Contendere" or "No Contest", to the charge or charges against you. If you enter a plea of guilty or no contest, the Court will enter judgment of conviction and impose sentence in accordance with the law. You will receive the same sentence whether you enter a plea of guilty or no contest. If you plead "guilty" or "no contest" or are found guilty after trial, the court will impose a penalty. By pleading guilty or no contest, you will be waiving or giving up, all legal rights described above. Further, you will be admitting, or not contesting, the acts to which you have plead guilty or no contest. Rule 211(b)(3).

POSSIBLE PENALTIES: The maximum penalties that this court can impose are fines up to \$2,650.00; a jail sentence of up to one year; or both up to the maximum. The court may also impose useful public service. For all non-traffic offenses for individuals less than eighteen (18) years of age, the penalty shall be a fine not to exceed \$1,000.00. In addition to the penalties described above, for minor in possession of alcohol or marijuana the court will require useful public service, alcohol/drug education or evaluation, and suspend driving privileges. You will be advised of specific penalties for the charge or charges against you when you are called individually. Most moving traffic violations have penalty points which may be assessed against your driver's license. The accumulation of enough points could result in the loss of your driving privileges. Rule 211(b)(4). Before the Court will impose any penalty, the court will consider, among other things, the severity of the offense, your past criminal or traffic record, and any statement you wish to make on your own behalf.

U.S. ARMED FORCES, VETERANS AND NON-VETERANS (Please check one)

NO, I am not currently serving in the U.S Armed Forces and I am not a Veteran.

YES, I am currently serving in the U.S. Armed Forces or I am a Veteran of the Armed Services. If YES, I understand that I may be entitled to receive mental health treatment, substance abuse disorder treatment or other services as a Veteran. If I am interested in such services, I will ask the Judge for more information.

ADVISEMENT TO DEFENDANT CONCERNING THE SEALING OF RECORDS

Certain records may be eligible for sealing through the District Court not less than three years after completing your sentence in this case pursuant to C.R.S. 24-72-708. Please consult the statutes or legal counsel with respect to these matters. Certain limitations and time limits apply. Court staff is not permitted to give legal advise; seek legal counsel or the State’s Court website www.courts.state.co.us for further instructions and information.

If your case is dismissed or you are acquitted of all counts in the case or a deferred judgment and sentence and all counts are dismissed, you may immediately request to have your criminal justice records sealed on that case. Your request may be informal and may be made in open court at the time of the dismissal or acquittal of your case. You can also make this request at any time subsequent to the dismissal or acquittal through the filing of a written motion in the criminal case with written notice to the Prosecuting Attorney. You will pay a processing fee of \$65.00 to cover the actual cost related to the sealing of criminal justice records, which may be waived by the court upon a determination of indigency. Juvenile records will be expunged pursuant to Colorado Law.

These are our basic rights before the Court. If you have any questions about them or about the charges against you, you may ask the court to further explain before you enter a plea. Rule 211(b)(1).

I HEREBY ACKNOWLEDGE that the foregoing Advisement of Rights was given to me by the Court and I do fully understand the matters set forth.

DATE _____ **DEFENDANT’S SIGNATURE** _____

ADDRESS: _____

PARENT’S NAME AND SIGNATURE: _____

PARENT’S ADDRESS AND PHONE NUMBER: _____