

**ERIE MUNICIPAL COURT, COLORADO
ADVISEMENT OF LEGAL RIGHTS**

YOU HAVE BEEN CHARGED WITH A VIOLATION OF LAW FOR THE TOWN OF ERIE AND HAVE THE FOLLOWING RIGHTS BEFORE THIS COURT:

1. You are presumed innocent of the charges, and if you plead not guilty the prosecution must prove your guilt beyond a reasonable doubt.
2. You have the right to be represented by an attorney. If you are indigent and facing a possible jail sentence for your charge, you may be eligible to have an attorney appointed at no cost to you.
3. You have the right to have a full explanation of the nature of the charges against you. If you do not understand what you are charged with, please ask the judge.
4. You have the right to have bail and to be advised of the amount of bail that has been set by the court.
5. You have the right to remain silent at all stages of these proceedings. If your case proceeds to trial, you have the right to testify or not to testify.
6. You have the right to a speedy and public trial, which means a trial within 91 days of the date that you plead not guilty (unless you waive your right to speedy trial).
7. You have the right to a trial to a judge or jury, if a jury right is granted by law. To have a jury trial, you must file a written jury demand accompanied by a \$25 jury fee, within 21 days of entering a not guilty plea, unless the Court waives the fee because of indigency. If you fail to meet the above conditions, your trial will be to a judge.
8. You have the right to compel the attendance of witnesses on your behalf by subpoenas, issued by the Court, without expense to you.
9. You have the right to confront and cross-examine the witnesses called to testify against you.
10. You have the right to appeal any judgment within 35 days after the judgment is entered to the Boulder County District Court.
11. You have the right to a continuance of this arraignment to hire an attorney to represent you or for some other good reason.
12. If you are not a citizen of the U.S., you are advised that conviction of certain offenses may have consequences of deportation, exclusion from the U.S. or denial of naturalization as a U.S. citizen.
13. If you have any questions about these rights, ask the judge.

POSSIBLE PENALTIES: The maximum penalty that may be imposed upon conviction of any traffic offense or criminal violation is a fine of \$2,650, 364 days jail, or both. The maximum penalty that may be imposed upon conviction of any traffic infraction or non-criminal violation is a fine of \$2,650. Additional costs, including court costs and surcharge, will be imposed upon conviction. The court may impose additional sentencing orders, at its discretion, where it deems appropriate.

IMPORTANT INSTRUCTIONS: If at any time you are unable to pay the monetary amount due, you must contact the Court at 303-926-2851 or appear before the Court to explain why you are unable to pay the monetary amount. If you lack the present ability to pay the monetary amount due without undue hardship to you or your dependents, the Court may not impose a jail sentence. If you have the ability to pay the monetary amount as directed by the Court but 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 Colorado Revised Statute 18-1.3-702.

IF YOU ARE UNDER 21 AND PLEAD GUILTY OR ARE FOUND GUILTY OF AN ALCOHOL VIOLATION, YOUR DRIVER'S LICENSE MAY BE SUBJECT TO REVOCATION IF YOU FAIL TO COMPLY WITH COURT ORDERS TO COMPLETE AN ALCOHOL TREATMENT CLASS OR PROGRAM.

ADVISEMENT TO DEFENDANT CONCERNING THE SEALING OF RECORDS

Pursuant to Colorado Revised Statute Secs. 24-72-702.5, the record of your violation may be sealed under certain circumstances. The record for a case in which the charge was dismissed or in which the person was acquitted (including deferred judgments and deferred prosecutions) may be eligible for sealing by the Court. In addition, some cases where a conviction has occurred may be eligible for sealing with the Court after 3 years if you meet certain conditions set forth in these statutes.

All mailings to you will be to the address the court has on record. You are required to promptly notify the court of any change of address.

I HAVE CAREFULLY READ AND UNDERSTAND THE ABOVE ADVISEMENT:

Print name: _____ **Signature:** _____

Date: _____ **Parent:** _____ (if defendant under 18)

[SEE REVERSE SIDE]

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.