

MUNICIPAL COURT FOR THE CITY OF LOUISVILLE
ADVISEMENT OF RIGHTS

The first appearance in court, for many reasons, may be a confusing and frightening time. The following is an explanation of your rights and to give you some ideas of the procedures that are followed, your rights, and obligations. If you have any questions regarding this Advise ment of Rights, please ask the Judge.

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 a full explanation of the nature of the charges against you and the maximum penalty. If you do not understand what you are charged with, ask the judge. The maximum sentence the court may impose on each charge is listed on the back of this form.
3. To a speedy trial within 91 days of your arraignment date.
4. 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.
5. 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 trial and all the rights that go with it. 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 qualify as indigent.
6. 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.
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. You have the right to request a reconsideration of your sentence within 91 days.
8. To bail if in custody and to be advised as to the amount of bail set by the Court. In most cases, you may have the right to a personal recognizance bond.

MAXIMUM PENALTIES	
ADULT	• <u>Non-Traffic Criminal Code Violations</u>: \$2,650.00 fine and a jail sentence of 364 days • <u>Criminal Traffic Violations</u> ○ Class 1 Traffic Misdemeanor Offenses: No Proof of Insurance (NPOI), Reckless Driving, Careless Driving, Eluding a Police Officer, Speeding (40 mph over speed limit) or Speed Contest: \$1,000.00 fine, 1 year jail sentence or both. ○ Class 2 Traffic Misdemeanor Offense: 6 point Speeding. (20 mph over speed limit): \$500 fine or 90 days jail or both. • <u>All other non-Criminal Traffic Violations</u>: \$500.00 fine.
JUVENILE	• <u>Traffic Violations</u>: Maximum fine \$500.00 • <u>Non-Traffic Criminal Code Violation</u>: Maximum fine \$2650.00. • Failure to comply with a court order could result in a sentence to a juvenile detention facility up to 48 hours. • Your driver's license may be revoked if (1) you are convicted of possession of alcohol or marijuana 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 by a minor. Note that a successfully completed deferred prosecution or deferred judgment will not result in a conviction and therefore not trigger this potential revocation.

Veterans HB 18-1078 MUNICIPAL COURTS Court Programs for Veterans The act requires the court to determine if a defendant is a veteran of or actively serving in the U.S. military at the first appearance or upon arraignment, whichever is first. If a defendant is a veteran or active duty member of the military, the court must notify the defendant that he or she may be entitled to receive mental health treatment, substance use treatment, or other veteran services. Please advise the Court of your status as a veteran:

____ 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.

OBLIGATIONS: You must appear in court when ordered. If you do not appear, a bench warrant may be issued for your arrest, a bond set, and an additional charge called "Failure to Appear" may be filed against you. A Failure to Appear charge carries a minimum fine of seventy-five dollars (\$75.00) and is typically not waived by the Court, and there is also a potential for a one-year jail sentence. A Failure to

Appear on a decriminalized traffic and municipal code violation will result in a Default Judgment and an Outstanding Judgment Warrant may be placed against your driver's license.

PROCEDURES: You may have a continuance of not more than thirty (30) days to determine which plea to enter or seek the assistance of an attorney or for good cause. The Court, in some instances, may be communicating an initial plea offer to you on the Prosecutor's behalf. If the Prosecutor is not making you an initial offer or if you want to discuss your plea offer, you may speak to a City Prosecutor today to see if a negotiated disposition (plea bargain) is possible. You do not have to speak with the Prosecutor, but the purpose of that discussion is to explore a disposition or plea bargain in your case. If you want to speak to the Prosecutor with an attorney present or at a later date, you may schedule a pre-trial conference with the Municipal Prosecutor.

SEALING OF RECORDS (Minor in Possession Drugs or Alcohol): Minor in Possession of alcohol or drug charges are automatically sealed after completion of a deferred judgment or deferred prosecution or dismissal. Under certain conditions, Minor in Possession convictions can be sealed upon filing of a petition. See clerk for more information.

(Adult Cases) Non-Conviction: If your Adult case is dismissed after a successfully completed deferred judgment or deferred prosecution agreement or you are found not guilty, you have the right to immediately petition the Court to seal your criminal record if you complete the petition to seal and you pay a \$65 filing fee or ask the Court to waive the fee based on indigency. Prior to September 1, 2018, such record sealing petitions must be filed in Boulder County District Court. Thereafter, you may petition the Louisville Municipal Court to seal your record by the same process. See CO House Bill 17-1208 and Colorado Revised Statutes § 24-72-702.5. **Conviction:** In certain instances, a record of conviction of a petty offense or misdemeanor ordinance violation may be sealed three years after disposition of all criminal proceedings or release of supervision. See Colorado Revised Statutes § 24-72-308.9 or consult with a lawyer for advice regarding sealing municipal records of convictions.

(Juvenile Cases) Unless there is an objection, non-traffic juvenile cases are expunged 42 days after dismissal or completion of sentence if there are no new pending charges.

MOTOR VEHICLE RELATED FINES

Fines assessed in court will be determined upon examination of the Defendant's driving record for the past 24 months, as to whether fines should be decreased or increased. In assessing fines for traffic violations, the Court will also consider conditions that increase the seriousness of the violation such as whether there was an accident involved, personal injury involved in that accident, and whether the accident occurred in a school or construction zone. An accident fee of \$200 may be assessed if an accident was involved. Fines for speeding in designated maintenance, repair or construction zones will be double (signs must be posted to reflect double fines).

PAYMENTS

The court expects you to pay all fines and court costs on the day of your guilty plea or sentencing date. If you are not able to pay today without undue hardship to yourself or your family, you should address that with the Court at sentencing. If you do not pay in full on the day of your guilty plea, you will receive another court date to appear. If you have not paid off your overdue payments by that next court date, and you do not appear on that review date to see the judge regarding your overdue payments, you could be held in contempt of court for a willful disregard of the court order. If you lack the ability to pay the amount due within a reasonable time without undue hardship to yourself or your dependents, the court will not impose jail. If you are unable to pay the amount due, you should come to court to explain why you are unable to pay. If you don't come to court, there could be consequences for failure to appear.

NON-CITIZEN: 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 may request a continuance of arraignment if you wish to consult with an immigration attorney prior to entering a plea of guilty or nolo contendere.

By my signature below, I attest that I understand this Advisement.

X

Defendant

Date

Attorney for Defendant

Date