

YOUR RIGHTS IN MUNICIPAL COURT



OFFENSES

What is an arraignment?

Arraignment means to come to court, learn about the charge(s) against you, learn about your rights, and answer the charge(s).

What are my rights?

1. If you are in custody, you have the right to bail (depositing money ordered by the Court to secure your attendance in Court);
2. You do not need to make any statements. Any statements you do make could be used against you;
3. You are presumed innocent of the charge(s). Even though you have a ticket or citation, this is only an accusation and not proof of any crime. The Assistant City Attorneys (also known as the Prosecutor) is required to prove the charge(s) beyond a reasonable doubt before you would be considered guilty;
4. You have the right to be represented by a lawyer. The Prosecutors are **not** your lawyers and they represent the City. You may want to consult with a lawyer before you make any decisions about your case. Your lawyer can advise you about plea bargaining, evidence and other issues (such as the effect of a conviction on your driver's license and/or on your immigration status, if you are not a U.S. citizen).

You may be eligible for a court appointed lawyer at no expense to you if you *are indigent*, (cannot afford a lawyer and meet current federal poverty guidelines). If you believe you may be indigent and would like to speak to a lawyer prior to your arraignment, please advise the Clerk to obtain a preliminary indigence determination.

5. There are three possible pleas you may make: **“Not Guilty”**, **“Guilty”**, or **“No Contest”** (meaning you do not contest the charges but a conviction will enter against you). Any plea you make must be voluntary, knowingly, and intelligently made. Do not enter a plea if you are feeling forced, coerced, or under any undue influence.
6. If you plead Not Guilty, you have the right to a trial within ninety-one (91) days of your “Not Guilty” plea being entered.
7. You have the right to a bench trial (trial in front of a judge and without a jury) for any violation. Based on the charge against you, you also have the right to request a jury trial. Juries in Municipal Court are made up of 3 jurors unless you request in writing a greater number of jurors (not to exceed 6).

To request a jury trial you must file a written jury demand with the Court within twenty-one (21) days of your arraignment date or the date you enter a plea of Not Guilty. You must also pay a jury deposit fee of \$25.00, unless the fee is waived by the judge because of your indigence. The jury fee will be refunded if the case against you is dismissed or if you are not convicted of the charges. If you request a jury trial and change your mind, you must waive your right to a jury trial at least 14 days before the scheduled trial date. If you do not, you will be required to pay the actual costs of summoning the jury and the jury fees unless you are acquitted at trial.

8. At trial, you have the right to call witnesses or to present evidence. You have the right to have the Court issue subpoenas, without expense to you, to compel the attendance of witnesses on your behalf. You have the right to cross-examine the prosecution's witnesses. You have the right to testify or not testify on your own behalf

at trial. If you do not testify, your silence will not be held against you. If you do testify, you may be cross-examined by the prosecutor.

9. If you are convicted at the trial or if you plead guilty, you may present evidence in mitigation, that is, anything you want the court to consider to reduce penalties before imposing a sentence against you.

10. If you lose at trial, you may appeal to the Weld County District Court. In order to do so you must, within thirty-five (35) days of the entry of the judgment, file a Notice of Appeal pursuant to Rule 37 of the Colorado Rules of Criminal Procedure. Once the thirty-five (35) days expire you may forever lost your right to appeal.

What are the possible penalties for the violation I am charged with?

You have been charged with a violation of the Greeley Municipal Code that is classified as either a **Criminal** or **Traffic Offense**. This means that the maximum penalty is a fine of up to \$1,000 or a sentence of up to 364 days in Weld County Jail, or both. The Court can also impose additional terms and conditions of any sentence- such as Probation, Useful Public Service and/or attendance at remedial classes.

Can I discuss my case with a Prosecutor or continue the arraignment?

You may speak to the Prosecutor today in an effort to resolve the case. If you are eligible for a court appointed defense attorney, you must speak with him/her first, or waive your right to speak to an attorney, before a Prosecuting Attorney can speak with you.

You may request that the Court continue your arraignment for another day. The Court may grant such a request for good cause.

What are the penalties if I received a ticket for not having automobile insurance?

Violation of the uninsured motorist ordinance subjects you to a minimum fine of \$500 for the first offense and a minimum fine of \$1,000 for the second and later offenses within five years. The fine may be reduced by half with proof of currently in force insurance. If you were covered by automobile insurance on the day you received the ticket, you must show proof of insurance in order to have the charge dismissed.

Will my driver's license be affected if I plead guilty or am convicted?

The Colorado Department of Revenue/Motor Vehicles Division can advise you about the effect a guilty plea or conviction will have on your driver's license. You may obtain information about the point accumulations that result in suspension, and about charges that may result in the suspension of your driving privileges at www.colorado.gov/revenue.

ACKNOWLEDGMENT OF RIGHTS

I am _____ I am not _____ a Veteran of the United States Military.

I am the defendant in this case and acknowledge that I have read and understand the rights and penalties listed above.

Signature _____ Date _____
Printed Name _____

Parent Signature (if under 18) _____ Date _____
Printed Name _____

▼▼▼▼FOR COURT USE ONLY ▼▼▼▼

Case: _____ Summons: _____