

CASE NUMBER: \_\_\_\_\_

This is an arraignment session of the Commerce City Municipal Court. The purpose of an arraignment is to allow you an opportunity to enter a plea in your case. Your plea may be not guilty, in which case your matter will be set for a trial to the Court or to a jury if allowed by law. The trial will occur at a future date. In lieu of a plea of not guilty, you have the right to enter a plea of guilty and your case will likely be concluded today. Prior to entering a plea today, you will have an opportunity to discuss your case with the City Prosecutor. The purpose of that discussion is to allow you to explore entering into a disposition or plea bargain of your case at this time and possibly avoid having to return on a future date.

A) As a defendant in this Court, you have the following rights:

1. The right to have bail set if you are in custody.
2. The right to consult with an attorney at your first appearance if you are in custody.
3. The right to remain silent. Any statement you make can and may be used against you.
4. The right to be represented by an attorney of your own choosing, at your own expense. If you are indigent and desire an attorney, the Court can upon request in applicable cases, appoint an attorney to represent you
5. The right to request and receive a continuance or postponement to consult with an attorney, prior to entering a plea in your case.
6. The right to be presumed innocent until proven guilty beyond a reasonable doubt.
7. The right to be advised of and understand the elements of the charge or charges filed against you.
8. If you are a citizen of a foreign country you have the right to have contact with your country's consular offices. If you are not a U.S. Citizen, a guilty plea or a conviction after a trial may have immigration consequences. Those consequences may include deportation, a denial of re-entry or a denial of Naturalization as a U.S. Citizen. If you wish to speak with your country's consular office prior to entering a plea, please notify the court, when your case is called.

B) As I stated earlier, you have the right to plead not guilty and have your case set for a trial to the Court, which is a trial to a judge, or to a jury if allowed by law. In general, you have the right to a jury trial on most charges if you were eighteen (18) years of age or older at the time of the commission of the alleged offense, with the exception of traffic or civil infractions. If you have the right to a jury trial and desire your case be tried to a jury, you must, pursuant to Colorado state law, accomplish the following two (2) items within twenty-one (21) days after the entry of your not guilty plea:

1. You must submit to the Court a written jury demand, which is a statement in writing that you desire your case be tried to a jury, and stating the number of jurors you desire; three, four, five, or six. It is your decision on how many jurors will sit on your jury, not the prosecutor's or the court's.
2. You must pay to the Court a \$25.00 jury fee deposit. The \$25.00 will be refunded to you if you are found not guilty by a jury. If you are indigent and desire a jury trial, and are eligible for one, the Court can waive the jury fee requirement.

C) Should you desire to proceed to trial, you will have the following rights:

1. At the time of your trial, you have the right to testify or not testify on your own behalf. If you choose to remain silent the fact that you do so cannot and will not be used against you.
2. You have the right to confront and cross-examine or question any witness who testifies against you.
3. You have the right to present evidence or a defense. You have no obligation to do so as you are presumed innocent of the charges until proven guilty beyond a reasonable doubt.

4. You may call witnesses on your own behalf and if your witnesses will not appear voluntarily, you have the right, prior to the date of your trial, to request and receive, without cost, subpoenas, which are court orders to be used by you to compel the attendance of any witnesses you want present at the time of your trial.
5. Finally, you have the right to appeal any judgment of conviction from this Court within 35 days to the Adams County District Court.

D) This Court has the jurisdiction to impose a maximum monetary fine of \$2,650.00. In addition the court can impose a jail sentence if you were eighteen (18) years of age or older at the time of the alleged offense and are charged with an ordinance violation or some specific traffic violations, you will be advised if your particular traffic offense carries a possible jail sentence. The maximum penalties are a monetary fine or a jail sentence of up 364 days, or both such fine and jail sentence.

The court can also order you to complete community service or an education or treatment program, if deemed appropriate for your case.

The City Council enacted ordinances that requires a 30% surcharge to be added to any fine imposed by the court and a \$9.00 gasoline fee to be added to every case upon a plea of guilty or finding of guilty by the court in addition to any other court costs assessed. If at any time you are unable to pay the amount due on or before the due date, you MUST appear before the Court on the due date at 8:30 am to request additional time to pay.

E) Should you elect to plead guilty or no contest to the original violation or an amended violation, you are stating to the Court that you understand your rights, you understand the charge, you understand the effect of your plea, you understand the possible penalty, you understand you are waiving your right to be represented by an attorney, you are waiving your right to be presumed innocent, you are waiving your right to a trial, and that your plea is voluntary and not the result of undue influence or coercion.

If I find that these circumstances are satisfied, I will accept your plea and allow you an opportunity to tell me anything that you may want me to consider before I impose the sentence against you. If I find that these circumstances are not satisfied, I will reject your plea, enter a not guilty plea on your behalf and set your case for trial.

F) If you plead guilty or are found guilty of an ordinance violation and are unable to pay the fines and court costs that have been assessed when due, you must appear on the due date at 8:30 am and request an extension or explain to the court why you are unable to pay. If you lack the present ability to make a payment when due, without causing undue hardship to you or your legal dependents, the court shall not impose jail for the failure to pay. If the court finds that you do have the present ability to pay your fine or court costs and have willingly failed to pay, the court can impose a jail sentence as it deems appropriate.

G) If your case is for an ordinance violation and the case is dismissed or you are found not guilty of the charge(s) you can petition the court to have the record of your case sealed. There is a \$65.00 fee that must be paid to seal a dismissed case. Upon request, the court clerk will provide you with information on how to seal your case. Traffic cases cannot be sealed, records of convictions cannot be sealed by this court. Juvenile records, if you were less than 18 years of age at the time of the offense, will be expunged/sealed pursuant to Colorado Law.

Take a moment to insure that your electronic devices have been silenced, and please keep your conversations to a minimum so as not to disturb those around you. After you have spoken to the City Prosecutor please return to the courtroom and be seated. As your individual cases are called, please step forward to the lectern, if you are under the age of eighteen (18), please have a parent or guardian step forward with you. While at the lectern, please speak loudly and clearly as the hearing is being recorded.

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Signature

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Date

3/11/2020