

LEADVILLE MUNICIPAL COURT ADVISEMENT OF RIGHTS

This is an arraignment session of the Court at which you will be advised of the charges pending against you and asked to enter a plea to the charge(s). You may plead "guilty," or "not guilty" to the charge or charges against you. If you enter a plea of guilty, the Court will enter judgment of conviction and impose sentence in accordance with the law.

As a defendant in this court, you have the following rights:

1. You are presumed innocent which means the Prosecution must prove the charges against you beyond a reasonable doubt at 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.
3. You have the right to be represented by an attorney at all stages of the proceeding against you. If a sentence of jail is a possibility, and you cannot afford to pay for your own attorney, one will be appointed for you at the Court's expense.
4. You may request that this arraignment be continued for a reasonable period of time so you may retain a lawyer, or for other good and sufficient cause.
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 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.
6. You have a right to a public trial within ninety-one days from today's date unless you, by your actions or your request, extend that period.
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.
11. At trial, you may testify on your own behalf, or remain silent, as you choose. If you choose to testify, the Prosecutor will be allowed to ask you questions on cross-examination where otherwise the prosecutor would not be permitted to do so. If you do not testify, no inference of guilty will be drawn from that silence.
12. If the decision of the trial court is against you, you may appeal the decision to a higher court.
13. You have the right to request bail.
14. If you served in the United States armed forces you may qualify for mental health, substance use treatments or other services.

If you plead "guilty" or are found guilty after trial, the court will impose a penalty. By pleading guilty, you will be waiving, or giving up, all the legal rights described above. Further, you will be admitting the acts to which you have plead guilty.

The maximum penalties this Court may impose includes fines of up to \$2,650.00; a jail sentence of up to three hundred sixty-four (364) days; or both up to the maximum. The Court may also impose useful public service. In addition to the penalties described above, convictions for a minor in possession of alcohol, marijuana, or paraphernalia, the Court may require useful public service, alcohol/drug education or evaluation, or treatment, and suspend driving privileges. You will be advised of the 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 may result in the loss of your driving privilege.

The prosecutor may (but is not required to) offer you a plea agreement to reduce the charge(s) and/or the amount of the fine or points assessed against you on your case. A plea agreement is a compromise where the prosecutor offers you lesser penalties in exchange for not having to take the case to trial. In some cases, in order to reduce the points, you may be asked to plea to a lesser charge that has nothing to do with your original ticket. This is legal as long as you understand that you are waiving the factual basis for this lesser charge in an agreement to reduce the penalty. (For example, if you were charged with a 4-point speeding violation, you may be offered a 2-point defective vehicle charge in its place. This is because there is not a 2-point speeding charge under statute or ordinance, so to reduce the penalty, you are asked to plea to a different charge.) You are not required to accept a plea offer made to you by the prosecutor.

_____ Please check if you wish to discuss a possible plea agreement with the prosecutor before appearing in court.

In addition to any penalty imposed by the Court, there may be "collateral consequences" in the event of a conviction. The entry of a plea of guilty may affect your immigration status, or you may not be eligible for certain public benefits or housing. 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.

If the Court imposes a sentence that includes payment of any monetary amount, and if at any time you are unable to pay the monetary amount due without an undue burden on yourself or your family, you must contact the Court to explain why you are unable to pay the monetary amount. 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.

These are your basic rights in this 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.

By signing below, you state that you have read and understand the rights described herein.

Signed this _____ day of _____, 20_____

Signature – Defendant

Printed Name - Defendant

Signature – Parent/Legal Guardian

Printed Name – Parent/Legal Guardian

Mailing Address: _____

Physical Address: _____

Phone Number: _____

Email: _____