

WHEAT RIDGE MUNICIPAL COURT

7500 West 29th Avenue
Wheat Ridge, CO 80033-8001

Christopher D. Randall
Presiding Judge

ADVISEMENT OF RIGHTS

The Municipal Court is the independent judicial branch of the City of Wheat Ridge Municipal Government. As a defendant, you have been charged with a violation of a code or an ordinance of the City of Wheat Ridge. The fact that a Summons and Complaint has been issued is not evidence of your guilt. Your rights and obligations are set forth below. These rights are crucial to your case.

RIGHT TO UNDERSTAND THE NATURE OF THE CHARGE FILED AGAINST YOU

The Summons and Complaint lists an ordinance or code number which you allegedly violated and then a brief description of the offense charged. You should understand the nature of the charge filed against you before you enter a plea regarding the same. If you do not understand the charge, you have the right to have the ordinance or code read to you by a judge in open court or the right to find and read it yourself.

Please note that neither the court staff nor the Judge can give you legal advice.

RIGHT TO COUNSEL

You have the right to be represented by an attorney. You may consult with an attorney before entering a plea. If you are unable to afford an attorney and meet certain financial guidelines, an attorney might be appointed to represent you but only in criminal cases that have the possibility of a jail sentence upon conviction. The Court will not appoint an attorney for you if you are charged with a matter for which jail is not a possibility.

PLEA OF NOT GUILTY

If you feel you did not commit a violation of the ordinance with which you have been charged, you should enter a plea of "not guilty." The City Attorney will then be required to prove all of the elements of the violation beyond a reasonable doubt at the trial of your case. You do not have to present any evidence. You can remain silent.

PLEA OF GUILTY

A plea of "guilty" is your admission that you did violate the ordinance as charged. If you plead guilty, the City will not be required to prove anything. Once a plea of guilty is accepted, it is very difficult for you to change your mind and withdraw the guilty plea. A plea of guilty is the final determination of your case, and will result in points being assessed against your driving record in traffic matters. In criminal matters, a fine or jail or both may be imposed along with any other condition the court finds appropriate.

PLEA OF NOLO CONTENDERE OR NO CONTEST

This plea is one of privilege only, and it may be refused or accepted in the sole discretion of the Court. It means you are not admitting that you violated the ordinance, but that you elect not to contest the charge filed against you. The plea is discretionary with the Court and is treated the same as a guilty plea for purposes of sentencing, and the maximum penalties that may be imposed by the Court are still the same. If it is a traffic violation, the State Motor Vehicle Department will assess points against your driving record in the same amount as if you had entered a plea of guilty.

TRIAL RIGHTS

If you enter a plea of "not guilty," you have the right to have a trial either by the Court, which is by a judge, or in some cases, by a jury. You may request that a jury hear your case if there is the possibility of jail upon conviction. Traffic offenses carry the right to a trial by jury. They are: 1. driving 25 or more miles per hour in excess of the lawful posted speed limit, 2. engaging in a speed contest, 3. reckless driving, 4. careless driving, 5. auto insurance related offenses, such as driving without insurance, 6. eluding a police officer, 7. failing to stop for a school bus with red lights flashing, and 8. aiding and abetting any of the above offenses.

Criminal matters that carry the possibility of jail upon conviction carry the right to a trial by jury. Discuss this right with the Court if you have any questions. Please note however that the Court cannot provide legal advice.

HOW TO OBTAIN A JURY TRIAL

If you desire a jury trial, you must within **twenty-one (21) days** from the date of your entry of a not guilty plea, file a written demand for a jury trial AND tender a jury deposit in the sum of **\$25.00**, unless said deposit is waived by a judge upon proper showing of indigence within twenty-one (21) days of the entry of your not guilty plea.

TRIAL

The City must have one or more witnesses appear and testify under oath at your trial, and you have the right to cross-examine and question those witnesses regarding their testimony. You have the right to present witnesses in your own behalf, and have the right to have blank subpoenas provided to you.

You have the right to remain silent during trial. If you do not testify, that decision will not be considered against you at trial. There is no inference of guilt if you choose not to testify. In the event you do testify, you are subject to cross-examination by the City Attorney in the same manner as any other witness in the trial. You are presumed innocent of the charge that is filed against you, and this presumption remains with you until you are proven guilty beyond a reasonable doubt by the City Attorney.

If, after trial, you are found guilty either by a judge or jury, you have the right to appeal within 35 days. The Wheat Ridge Municipal Court is a court of record, and all appeals from this Court are ruled upon by the District Court of the First Judicial District of Jefferson County in Golden, Colorado. There are various requirements in processing an appeal.

DISMISSAL AND SPEEDY TRIAL TIME

If there is unnecessary delay in the trial of a defendant, the court may dismiss the case. If the trial of a defendant is delayed more than ninety-one (91) days after the arraignment of the defendant, unless the delay is occasioned by the action or request of the defendant, the court shall dismiss the case.

PENALTIES

The maximum penalties that can be imposed for any ordinance violation within the City of Wheat Ridge is a \$1,000.00 fine, or one year in the Jefferson County jail, or both such fine and imprisonment. Some violations carry a fine only. ***Fines and costs are due and payable at the time they are assessed by the Court.*** If you fail to pay a fine in accordance with the direction of the court, you may be imprisoned for up to fifteen (15) days. Section 18-1.3-702, C.R.S.(2012).

Any plea of guilty or nolo contendere, or finding of guilt at trial to any traffic violation of the ordinances of the City of Wheat Ridge may result in the assessment of points against your driving record by the Motor Vehicle Division as required by the Colorado State Statutes. Upon the accumulation of a certain number of points, the Motor Vehicle Division may take administrative action against your driver's license.

IMMIGRATION CONSEQUENCES

If you are not a citizen of the United States, a guilty plea may result in deportation, exclusion from admission to the United States, or denial of naturalization as a United States citizen.

YOUR OBLIGATIONS TO THE COURT

To turn off your pagers and cellular telephones.

To appear properly attired in order to maintain the decorum and dignity of the Court. Please do not wear a hat or head covering in the Courtroom.

To appear promptly on the date and time of any scheduled Court hearing, whether the matter has been set for trial or any other hearing relative to arraignment, pre-trial, sentencing, or for a date certain on a continuance.

To remain seated and remain quiet until your case is called.

To come forward to the podium when your name is called.

To refrain from smoking, chewing gum, drinking beverages or eating food in the Courtroom.

THE UNDERSIGNED STATES THAT S/HE HAS READ THIS ADVISEMENT OF RIGHTS FORM. IF YOU HAVE ANY QUESTIONS ABOUT THESE RIGHTS, YOU MAY CONSULT WITH AN ATTORNEY. THE COURT CANNOT GIVE YOU LEGAL ADVICE, BUT CAN ANSWER QUESTIONS ABOUT THESE RIGHTS AND COURT PROCEDURE.

Defendant Date

Parent or Legal Guardian Date
(If defendant under 18 years of age)