

FIRESTONE MUNICIPAL COURT ADVISEMENT OF RIGHTS

The following is an explanation of your rights in this court. Before you enter into a plea and appear before the judge, you will have the opportunity to speak with the Town Prosecutor. You do not have to speak with the Town Prosecutor, but the purpose of that discussion is to explore a disposition or plea bargain in your case. If you do not want to enter into a plea bargain with the Town Prosecutor, you have the right to plead Not Guilty and set your case for trial.

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 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.
3. To a full explanation of the nature of the charges against you. 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 this form.
4. 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 require the prosecution to prove your guilt beyond a reasonable doubt. 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 twenty-one (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 show that you are indigent.
5. 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.
6. To a speedy trial within 91 days of your not guilty plea.
7. To make a statement before any sentence is imposed upon you. You have the right to appeal a conviction within thirty-five (35) days after the date of entry of the judgment or the denial of post-trial motions, whichever is later.
8. To bail and to be advised as to the amount of bail set by the Court.
9. 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. Consulting with an attorney is recommended prior to entering a plea of guilty or nolo contendere.

MAXIMUM PENALTIES	
ADULT	<ul style="list-style-type: none"> Non-traffic violations and some violations designated as traffic offenses: \$2,650.00 fine, a jail sentence of 364 days, or both. Compulsory Insurance: 1st offense in 5 years - mandatory minimum \$500.00 fine. 2 or more offenses in 5 years - mandatory minimum fine of \$1,000.00 and/or between 10 days and 364 days in jail. All other traffic violations: Maximum fine \$1,000.00.
JUVENILE	<ul style="list-style-type: none"> Traffic cases: Maximum fine \$1,000.00 Criminal cases: Maximum fine \$2,650.00. Failure to comply with a court order could result in a sentence to a juvenile detention facility up to 48 hours. Your driver license may be revoked if (1) you are convicted of possession of alcohol, marijuana or drug paraphernalia 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/paraphernalia by a minor.
PAYMENTS	
<p>The court expects you to pay all fines and court costs on the day you receive your sentence. If you cannot, you may set up a payment plan. However, you must make your payment by your review date or appear on that date to see the judge. If you fail to appear and do not pay your outstanding balance, the original charge(s) will be reported to DMV and your case will be transferred to a collection agency.</p>	

ADVISEMENT OF MUNICIPAL CRIMINAL OFFENSE RECORD SEALING

The following is an advisement of your rights concerning the sealing of your criminal records pursuant to §24-72-703(9) C.R.S.

SEALING CONVICTIONS, §24-72-708 C.R.S.:

If you were convicted of a criminal violation of the Firestone Municipal Code, then you may file a motion with notice to the Prosecuting Town Attorney to seal your criminal municipal record if the following conditions are met:

1. The motion is filed three (3) years or more after the date of the final disposition or the release of the defendant from supervision concerning a criminal conviction, whichever is later. **2.** You have not been charged or convicted of a felony, misdemeanor, or misdemeanor traffic offense in three (3) or more years after the final disposition of all criminal proceedings against you, or the date of your release from supervision, whichever is later. **3.** The conviction records to be sealed are not for a misdemeanor traffic offense and you hold a commercial learners permit or commercial driver license as defined in §42-2-402 C.R.S.

You may file your motion to seal your municipal court record with the Firestone Municipal Court, or you may file your motion with the 18th Judicial District Court. You are responsible for paying all processing fees unless found indigent by the Court. The processing fee for sealing convictions is \$224.00.

SEALING CRIMINAL RECORDS OTHER THAN CONVICTIONS, §24-72-705 C.R.S.:

If you completed a diversion agreement, or a deferred judgment and sentence, or if your case dismissed, or if you were acquitted of all counts in the case, then you may file a motion to seal your municipal criminal record with notice to the Prosecuting Town Attorney. If your case involved a victim, then the victim may be notified of the motion and a hearing may be set no later than forty-two (42) days after receipt of the motion. You are responsible for paying all processing fees unless found indigent by the Court. The processing fee for sealing criminal records other than convictions is \$65.00.

EXPUNGEMENT OF JUVENILE DELINQUENT RECORDS, §19-1-306 C.R.S.:

After the completion of your sentence the Court shall automatically expunge your record within forty-two (42) days at no monetary cost to you. If a natural person was listed as a victim, the Town Attorney may file an objection to the expungement within forty-two (42) days of the completion of your sentence. If an objection is filed, then a hearing will be set, and you will be notified by mail of the hearing date and time. After a case is Ordered expunged, the Court shall mail a copy of the Order within thirty-five (35) days to the following: **1.** Juvenile Defendant; **2.** Juvenile Defendant's Attorney; **3.** Town Attorney (Prosecutor); **4.** Firestone Police Department; **5.** Colorado Bureau of Investigation. The Order directs the entity to expunge its record within thirty-five (35) days after receipt of the Order. You may provide a list of all agencies that may have custody of any records subject to the expungement order within seven (7) days after the completion of the sentence. The Court shall mail a copy of the expungement order to the named agency or agencies.

You or the victim may petition the Court to permit inspection of your expunged records, and the Court may so Order.

*******Any agency in receipt of the Expungement Order or Sealing Order shall reply to any inquiry regarding an expunged or sealed record that no record exists with respect to the person named in the record. Expunged records and Sealed records are not open to the public, but are available to a Prosecuting Attorney, local law enforcement agency, the Department of Human Services, the state and municipal judicial departments, and the victim as described in §24-4.1-302(5) C.R.S. Any expunged record is available to any Judge and the Probation Department for use in any future proceeding in which you are charged with an offense as either a juvenile or adult. A new criminal, delinquency, or municipal charge may not be brought against you based upon information gained from examination of the expunged or sealed records. Expunged records and Sealed records are NOT available to an agency of the military forces of the United States. *******

I acknowledge that I have read and understand this advisement of rights and I understand that by entering my plea of guilty or nolo contendere to the charge(s) I am waiving and giving up all of the rights set forth in this form except for the rights regarding sealing records. If you have any questions regarding the above information or process you should consult legal counsel.

Date: _____

Name Printed: _____

Email: _____

Signature: _____

Parent Signature (needed if defendant is less than 18 years of age): _____

Address: _____

_____ Please initial here if you currently serve in the United States Armed Forces or are a Veteran of such forces and would like information regarding mental health treatment, substance use disorder treatment or other services available to you. (Rev. 3/20)