

ADVISEMENT OF RIGHTS - CRIMINAL

The following is an explanation of your rights in this court. You have been charged with a violation of the ordinances of the City of Colorado Springs, Colorado. You should read and understand the following rights before entering a plea.

You are presumed innocent of the charge(s) against you, and that presumption of innocence will remain with you throughout the trial until you are proven guilty beyond a reasonable doubt. You need make no statement, and any statement made by you can be used against you.

You have the right to be represented by an attorney throughout the trial and at all proceedings leading up to trial. You have the right to have this arraignment continued to retain one. In certain cases, if you cannot afford an attorney, one may be appointed to represent you at no expense to you. If you choose to represent yourself, be aware that the City will be represented by an attorney (prosecutor) and you will be required to follow the rules of procedure and evidence.

You have the right to enter a plea of not guilty, guilty, or with the consent of the Court, a plea of nolo contendere. A plea of nolo contendere or guilty means that you give up and waive all of your rights as contained in this advisement, including, but not limited to, the right to require the prosecution to prove your guilt beyond a reasonable doubt and to cross-examine witnesses against you. You also give up the right to present evidence that you are innocent and your right against self-incrimination. Any plea you make must be voluntary and not the result of undue influence or coercion on the part of anyone.

You have the right to plead not guilty and have a trial to a judge or, in certain cases, a trial to a jury. To obtain a jury trial, you must request a jury trial and post a \$25.00 jury deposit within 21 days after the arraignment or entry of a plea. The jury shall consist of three (3) persons, unless a greater number is requested, not to exceed six (6). The jury deposit may be waived if you show that you are indigent.

You have the right to present evidence in your defense at the trial. You have the right to subpoena witnesses to testify at the trial at no expense to you. 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. Whether or not you testify, you may call on any other witnesses or present evidence that you feel is important to your case.

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

The maximum sentence this court may impose on each charge is a \$2,500.00 fine, a sentence of probation, and/or 189 days in jail plus court costs. If you were less than 18 years of age at the time of the alleged offense or you are charged with a violation subject to ordinance 11-4-104, the maximum sentence is a fine not to exceed \$500.00, and/or a sentence of probation, plus court costs. If you are unable to pay a monetary amount due, you must appear before the court on the date that you sign for to explain why you are unable to pay the monetary amount due. If you lack the present ability to pay the monetary amount due without undue hardship to you or your dependents, you may request a reduction in the amount or any alternative sentence that does not involve incarceration. The court will not jail or otherwise punish you for your inability to pay the monetary amount due.

You have the right to appeal a conviction in this court within 35 days after the date of entry of the judgment or the denial of post-trial motions, whichever is later, to the El Paso County District Court.

If you are in custody, you have the right to appear before a judge. You also have the right to bail. If you cannot pay the bail that is set, you have the right to request a reduction in the amount required to be posted or request a personal recognizance bond.

If you are not a citizen of the U.S., you are advised that 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 in this court.

A defendant may petition the El Paso County District Court for the sealing of the conviction records in this court. Refer to CRS 24-72-308.9 or www.courts.state.co.us for more information.

I acknowledge that I have read and understand my rights in this advisement.

Date: _____

Name (please print): _____

Case/Summons Number: _____

Signature: _____

WAIVER OF RIGHT TO A LAWYER

I acknowledge that I understand my right to have a lawyer represent me as explained in the above advisement. I am voluntarily giving up that right and I choose to enter a plea at this hearing without the advice of a lawyer.

Date: _____

Signature: _____