

MUNICIPAL COURT, SUPERIOR, COLORADO Court Address: 124 E. Coal Creek Dr. Superior, CO 80027 Court Phone: (303) 499-3675	▲ COURT USE ONLY ▲ Case No. _____
PEOPLE OF THE STATE OF COLORADO, TOWN OF SUPERIOR, Plaintiff vs. Defendant, _____	
ADVISEMENT PER C.R.S. § 16-7-207, C.M.C.R. 210 (a)(4) and 211(b)	

§1. The undersigned acknowledges that he or she is the defendant in this case and that his or her name is as stated above.

§2. The following is a statement of the rights that the defendant has in this case:

- a. You have the right to be represented by an attorney at your own expense. In certain cases, if you cannot afford an attorney one may be appointed to represent you. You are entitled to continue your court date to obtain an attorney. You have the right to bail. Any plea you make must be voluntary on your part and not the result of any undue influence or coercion. You have the right to understand the nature of the charge(s) brought against you.
- b. You are presumed innocent of the charges pending against you, and that presumption of innocence will remain with you throughout the trial; unless and until the prosecution presents evidence to prove you guilty beyond a reasonable doubt.
- c. You have the right to enter a plea of not guilty and have a trial in this case either to the Court or to a jury in some cases. A plea of guilty means that you give up the right to require the prosecution to prove your guilt beyond a reasonable doubt. The plea of nolo contendere or no contest is one of privilege and may be refused at the discretion of the Court. If accepted by the Court it means that you are not admitting guilt, however, you will be sentenced as though you entered a guilty plea, with all the same possibilities. 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 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.
- d. At the trial you have the right to confront the witnesses called to testify against you and to cross-examine those witnesses.
- e. You have the right to remain silent throughout these proceedings and you may testify in your defense if you choose. If you choose to remain silent, your silence cannot be used against you. If you testify it can and may be used against you.
- f. You have the right to present your own evidence and witnesses in your defense. You have the right to have the Court issue subpoenas to compel witnesses to testify for you.
- g. You have the right to a speedy trial within 91 days of your arraignment date.
- h. After the trial is over, you have the right to appeal to a higher court to review the judgments of the Court within 35 days after the date of entry of the judgment or the denial of post-trial motions, whichever is later.

§3. NON-Citizen: If you are not a citizen of the United States, you are advised that a municipal conviction or a deferred judgement and sentence may have the consequences of deportation, exclusion from admission to the U.S., or denial of naturalization pursuant to the laws of the United States. Consulting with an attorney is recommended prior to entering a plea of guilty or nolo contendere.

§4. U.S. Armed Forces or Veterans: If you are serving in the United States armed forces or are a veteran of such forces you may be entitled to receive mental health treatment, substance use disorder treatment, or other services as a veteran.

§5. Sealing and Expungement of Records: Adults have the right to seal their non-traffic criminal record if they are acquitted or the case is dismissed, and the Court will automatically seal records upon acquittal, dismissal and/or completion of deferred sentences and deferred prosecutions. Adults may request to seal municipal criminal convictions by filing a Petition with the Superior Municipal Court or with the Boulder County District Court. (C.R.S. § 24-72-705 & 24-72-708)

Juveniles are eligible to have their non-traffic cases expunged. If there are no pending municipal cases involving the juvenile and the prosecutor does not object to the expungement, the Court will expunge juvenile records after the completion of the sentence. If the prosecutor objects, the Court will set the case for a hearing and the Court will decide if the juvenile is eligible to expunge their records. (C.R.S. § 13-10-115.5)

MAXIMUM PENALTIES			
ADULT	○ A fine of \$2,650 for any non-criminal (not jailable) offense ○ A fine of \$499 for any non-criminal (not jailable) traffic violation ○ Consistent with In re People vs. Camp, the Court will not impose a maximum penalty that exceeds the maximum penalty allowed under state law for comparable state misdemeanor and petty offenses. ○ A fine of \$2,650 and/or 180 days in jail for any criminal violation in this Municipal Court. The following offenses may result in a jail sentence of up to 180 days of jail:		
	CRIMINAL OFFENSES:		
	Assault	Menacing	Offenses related to weapons
	Harassment	Shoplifting	Offenses related to gov't operations
	Disorderly Conduct	Theft	Offenses against public decency
False Imprisonment	Joyriding	Tampering and Criminal Mischief	
Reckless Endangerment	Trespass		
CRIMINAL TRAFFIC OFFENSES:			
Eluding or Attempting to Elude a police officer		Failure to Give Notice, Information and Aid (Hit and Run)	
Reckless Driving		Failure to Provide Compulsory Insurance	
Speed Contest			
JUVENILE	○ Maximum fine \$499.00. Failure to comply with a court order could result in a sentence to a juvenile detention facility up to 48 hours. ○ Your driver's license may be revoked if (1) you are convicted of possession of alcohol or marijuana 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 by a minor.		
ADDITIONAL POINT PENALTIES			
If you are with a traffic violation of 20 or more miles per hour (mph) over the speed limit or driving in excess of the maximum lawful speed of 75 mph, you are subject to additional point penalties through the Department of Revenue Division of Motor Vehicles (DMV) in addition to any points assessed through a plea agreement or guilty finding at trial.			
You are advised that the following additional points will be assessed by DMV.			
Within a 12- month period having a 2 nd violation of 20 or more mph over the speed limit of convicted of driving in excess of the maximum lawful speed of 75mph more than once +2 pts	Within a 24-month period having a 3 rd + violation of 20 or more mph over speed limit or convicted of driving in excess of the maximum lawful speed of 75mph than twice + 4pts	Within a five-year period having a 5 th violation of 20 or more mph over the speed limit or convicted of driving in excess of the maximum lawful speed of 75mph more than four times + 8pts	100 miles per hour of greater 4pts

§6. By your signature below, you acknowledge the rights explained above, and that the statements below apply when and if you enter a guilty or nolo contendere plea or have been found guilty at trial to the charge(s) brought against you:

a. I acknowledge that I understand the elements of the offense and the penalty for that offense. I understand that the prosecution would have to prove each element of the offense beyond a reasonable doubt before I would be convicted of that offense at trial.

b. I understand that the Court will not be bound by any representations made to me by anyone concerning the penalty to be imposed or the granting or denial of probation, unless such representations are included in a formal plea agreement approved by the Court.

c. I acknowledge that there is a factual basis for this plea or if this plea is a result of a plea bargain, I waive the establishment of a factual basis for the charge.

d. At this time I am not under the influence of any drugs, intoxicants, or medication that would interfere with my ability to understand the advisement given in this form.

e. If you are serving in the United States Armed Services or are a veteran of such forces, you may be entitled to receive mental health treatment, substance abuse disorder treatment, or other services.

f. I understand that if I am not a citizen of the United States and I plead guilty or nolo contendere ("no contest") to a crime, this plea may cause collateral consequences including but not limited to deportation or removal, exclusion from the United States, or denial of naturalization. I understand that a deferred sentence may be considered a conviction for immigration purposes. I understand that I may confer with an attorney regarding immigration issues and collateral consequences prior to entering this plea. I understand that this court has no authority regarding immigration issues. No promises or representations have been made to me by the Court regarding immigration consequences other than the statements made in this Advisement.

g. I understand that entering a guilty plea in this criminal case may result in separate administrative procedures by the Department of Revenue, Motor Vehicles Division ("DMV"). I also understand that those additional actions by the DMV may include the revocation of my license.

h. My plea is voluntary and is not the result of undue influence or coercion on the part of anyone, and by entering a plea or accepting a plea bargain, I am waiving the rights above, and, if appearing without counsel, the right to be represented by an attorney before entering a plea.

By my signature below, I attest that I acknowledge that I have read and understand this advisement of rights.

☐ Signature _____ Date: _____

Name Printed: _____

☐ Parent Signature: _____

(needed if Defendant is less than 18 years of age)