IN THE MUNICIPAL COURT, IN AND FOR THE CITY OF LAFAYETTE, COUNTY OF BOULDER, STATE OF COLORADO.

IMPORTANT – PLEASE READ

ADVISEMENT

RIGHTS & OBLIGATIONS OF DEFENDANTS IN THE LAFAYETTE MUNICIPAL COURT

PLEASE READ THIS DOCUMENT AND IF YOU HAVE ANY QUESTIONS, ASK THE JUDGE WHEN YOUR CASE IS CALLED.

A PARENT OR LEGAL GUARDIAN MUST ACCOMPANY DEFENDANTS UNDER THE AGE OF EIGHTEEN (18).

The Municipal Court is an independent judicial branch of the City of Lafayette Government. As a defendant, you have been charged with a violation of an ordinance of the City of Lafayette. The fact that a summons and complaint has been issued is not evidence of your guilt. Your rights and obligations as to the Court are set forth below.

RIGHT TO UNDERSTAND THE NATURE OF THE CHARGE FILED AGAINST YOU

The summons and complaint contains the ordinance number and a brief description of the charge(s) against you. You should understand the charge(s) before you enter a plea. If you do not understand the charge(s) against you, you have the right to have the ordinance explained by the Judge.

RIGHT TO TRIAL

If you enter a plea of not guilty and you are over 18 years old, you have the right to have a trial, either by a Judge **OR** in all criminal cases were jail is a possible penalty, by a jury of 3-6 persons. If you want a jury trial, you must file a **WRITTEN** demand within twenty (20) days from the entry of the not guilty plea; and pay the jury deposit of \$25.00, unless said deposit is waived by the Court upon proof of indigence. You have the right to be tried within ninety (90) days of your plea <u>unless</u> you request a delay. If you are under 18 years old you have a right to a trial to the court, but not to a jury.

RIGHT TO COUNSEL

You have the right to be represented by an attorney. If you wish to consult your attorney before entering a plea, you may appear before the Judge in open court and request a reasonable continuance. You may apply for a Court appointed attorney to represent you in any case where jail is a possible punishment. It is your responsibility to request appointed counsel of the Judge and to follow the proper procedures.

PLEA OF GUILTY

A plea of guilty is your admission that you did violate the ordinance as charged. The City will not be required to prove anything. Once a plea of guilty has been accepted by the Court, you cannot later change your mind and ask the Court to let you withdraw it. By entering a plea of guilty, you waive all the rights explained in this advisal including your right to counsel and a trial as fully explained herein. A plea of guilty is the final determination of your case, which will result in a criminal conviction; imposition of the penalty; and in traffic cases, points will be assessed against your driver's license.

PLEA OF NO CONTEST

This plea neither admits nor denies the charge; it just says you don't want to contest it. A conviction is recorded and the same sentence can be imposed as if you pled guilty. The Department Of Revenue will assess the points in the same manner as if you pled guilty.

TRIAL RIGHTS

You are presumed to be innocent of the charge(s) filed against you and this presumption remains with you until you are proven guilty beyond a reasonable doubt. You have the right to have witnesses subpoenaed on your behalf. The Court Clerk will issue and supply them free of charge but the costs of service of the subpoena is your responsibility. The City must have witnesses appear and testify under oath and you have the right to cross-examine those witnesses. You have the right to present a defense, but are not obligated to do so. You have the right to testify or remain silent but in the event you do testify, you are subject to cross-examination in the same manner as any witness in the trial.

APPEAL RIGHTS

If you are found guilty by Judge or Jury, you have the right to file an appeal. The City of Lafayette Municipal Court is a Court of Record and all appeals from this Court are sent to the District Court in Boulder County. All appeals must be filed within thirty (30) days from the entry of the conviction. The Court cannot advise you on the laws and or procedures to follow for an appeal.

PLEA NEGOTIATIONS

If you wish to discuss this case with the City Prosecutor, you need to inform the Court Clerk when you check in for Court. Only the City Prosecutor can offer a reduction in points for a traffic ticket or a modification of the charges on other charges and do a Motion to Amend to the Judge. If you wish to pursue those issues, you must see the City Prosecutor, as the Judge does not amend charges or points.

PENALTIES

The maximum penalty that can be imposed for any criminal violation in this Municipal Court is a fine of \$1,000.00 or one (1) year in jail OR both, fine and imprisonment. The maximum penalty that can be imposed for any decriminalized violation (not jailable) in this Municipal Court or for any offense committed by a person under the age of eighteen (18) is a fine of \$1,000.00. If you are unsure of the possible penalties for your offense, you should ask the Judge, who will advise you.

YOUR OBLIGATIONS TO THE COURT

Dress properly to maintain the dignity of the Court. No hats and or sunglasses are to be worn in the Court room. Come forward facing the Judge when your case is called. Remain seated and quiet until your case is called. If children are with a parent, they must be kept quiet at all times, if they cannot be quiet you will be asked to wait in the lobby until your name is called.

FAILURE TO COMPLY WITH \underline{ANY} COURT ORDER COULD RESULT IN A WARRANT

NO FOOD, BEVERAGES, TOBACCO PRODUCTS, CHEWING GUM OR CELL PHONES "ON" ARE ALLOWED IN THE COURTROOM

Date	Defendant Signature
Date	Parent/Legal Guardian if under 18