



THORNTON MUNICIPAL COURT RIGHTS AND OBLIGATIONS OF DEFENDANTS

The Municipal Court is an independent judicial branch of the City of Thornton Government. As a defendant you have been charged with a violation of an Ordinance of the City of Thornton. 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 lists an ordinance number with which you have been charged, 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. If you do not understand the charge against you, you have the right to have the ordinance read to you by the judge in open court, or you may request a copy of the ordinance.

RIGHT TO COUNSEL

You have the right to be represented by an attorney and if you wish to consult your attorney before entering a plea, you may appear before the judge in open court and a reasonable continuance will be granted to you. In some cases, which involve the possibility of a jail sentence, you have the right to a court-appointed attorney if you qualify as indigent. You have the right to be represented by an attorney if you have not entered a plea and are in custody.

PLEA OF NOT GUILTY

If you feel you did not commit the violation of the ordinance with which you have been charged, you should enter a plea of not guilty. It then becomes the job of the Prosecuting Attorney to prove the violation beyond a reasonable doubt at a trial.

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. Other than any agreement made by the City, you knowingly entered a plea of guilty of your own free will. You attest that no one has forced you or coerced you in any way to get you to plead guilty to one or more of the charges. A plea of guilty is the final determination of your case, and if your case involves a traffic violation, it may result in points being assessed against your driving record.

PLEA OF NOLO CONTENDERE OR NO CONTEST

This plea is one of privilege only and it may be refused or accepted only by the Court. It means you are entering neither a plea of guilty or not guilty. The plea is discretionary with the Court and is treated the same as a guilty plea; and the maximum penalty that may be imposed by the Court is the same. If it is a traffic violation, the State Motor Vehicle Department may assess points against your driving record. By entering a plea of Nolo Contendere, you waive ALL the rights explained in this advisal including your right to counsel.

RIGHT TO TRIAL BY JURY

If you enter a plea of "not guilty" you have the right to have a trial either by the Court, which is by the judge, or may be by a jury. If you wish to have a jury trial you must, within twenty-one days from the date of entry of a plea, file a written demand for a jury and tender a jury deposit in the sum of \$25. If you wish to request a waiver of the \$25 jury fee deposit, you must also file that request within twenty-one days from the date you first entered a not guilty plea. That request must be supplemented by a financial affidavit indicating your inability to pay the \$25. Please be advised that most traffic cases, some ordinance violations, and all Juvenile defendants (under the age of eighteen; in accordance to C.R.S. 16-10-109 and Thornton City Code Section 1-8) are not eligible to receive a Trial by Jury.

RIGHT TO HAVE WITNESSES SUBPOENAED

You have the right, if you plead not guilty, to subpoena witnesses on your own behalf. You may request subpoenas from the office of the Court. The City must have witness(es) appear and testify under oath, and you have the right to cross-examine said witness(es). You have the right to remain silent. If you do not testify, this fact in itself will not be considered against you. In the event you do testify, you are subject to cross-examination in the same manner as any witness in the trial.

MISCELLANEOUS RIGHTS

You are presumed to be innocent of the charge that is filed against you. This presumption remains with you until you are proven guilty beyond a reasonable doubt by the City or enter a plea of guilty. If, after trial, you are found guilty either by a judge or jury, you have the right to appeal. The City of Thornton is a court of record and all appeals from this Court are sent to the District Court in the County of Adams or District Court in the County of Weld.

The maximum penalty that can be imposed for any ordinance violation within the City of Thornton, is a \$2,650 fine or three hundred sixty-four days in jail, or both such fine and imprisonment. The maximum fine shall be adjusted for inflation on January 1 of each year. However, no fine will be imposed that is greater than that which would be imposed if same could have been paid in the office of the Court without a court appearance. Any plea of "guilty" or "nolo contendere" or finding of guilt at trial to any traffic violation of the ordinances of the City of Thornton may apply as to the number of accumulative offenses allowed by the Habitual Driving Offenders Act of the State of Colorado.

Pursuant to Colorado Revised Statutes 24-72-705 you may immediately motion the court to have your record sealed at any time after your case has been completely dismissed, you have been acquitted, or you have successfully completed a diversion agreement or a deferred judgment and sentence. This does not pertain to juvenile records for persons under the age of 18. Juveniles to follow the expungement process as outlined in C.R.S. 19-1-306(9) and 13-10-115.5. Pursuant to Colorado Revised Statutes 24-72-708, criminal conviction records may be eligible for sealing, by motion, not less than three years after completion of your sentence. Pursuant to Colorado Revised Statutes 19-1-306(9) and 13-10-115.5, expungement of eligible non-traffic juvenile records, apart from any objections filed or hearing held, be expunged forty-two days after completion of a municipal sentence. There are certain limitations, processes, time limits and exceptions to this rule. Please consult the statute or legal counsel with any questions you may have.

If you are not a citizen of the United States, you are advised that a conviction 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. You may wish to consult with an attorney and the Court will grant a continuance to allow you to do so.

Active Military or Veteran Status (Mark the applicable checkbox)

- I am currently serving in the United States Armed Forces or am a Veteran of such Forces.
(You may be entitled to receive mental health treatment, substance use disorder treatment, or other services as a Veteran unless your charge/s are for traffic infractions)
- I am not currently serving in the United States Armed Forces or am not a Veteran of such Forces.

YOUR DUTIES TOWARD THE COURT ARE AS FOLLOWS: To silence electronic devices, including cell phones, while individuals are in the courtroom. Individuals may use cell phones in the lobby or jury waiting room, as long as the level of conversation does not disrupt any court proceedings or other business of the Court. To appear properly attired to maintain the decorum and dignity of the Court. Please do not wear a hat in Court. To appear promptly at the date and time of trial, or any hearings set by the Court. To remain seated and remain quiet until your case is called. To come forward facing the judge when your name is called. To refrain from smoking, eating, drinking, or chewing gum when Court is in session. To refrain from reading newspapers, magazines, or other matters unrelated to the business of the Court.

The undersigned states that he/she has read this advisal of rights form.

DEFENDANT _____ DATE _____

DEFENDANT'S PARENT/GUARDIAN (If defendant is under 18 years of age) _____ DATE _____

ALL FINES AND COSTS ARE DUE AND PAYABLE AT THE TIME THEY ARE IMPOSED BY THE COURT. Payment of your monetary assessment is a condition of your sentence unless otherwise ordered by the Court. Failure to make a payment when due, or appear as ordered, may result in additional penalties and procedures including, but not limited to, referral to collection agencies, wage/bank account/income tax garnishment, cancellation of your driver's license or, in certain circumstances, a contempt order resulting in a bench warrant being issued. If you are unable to make a payment when due, you must appear before the Court as scheduled. Revised 8/2019