CITY OF THORNTON

THORNTON MUNICIPAL COURT
ADVISEMENT OF LEGAL RIGHTS

The Municipal Court is the independent judicial branch of the City of Thornton government. You have been charged with a violation of an ordinance (a law) of the City of Thornton. The summons and complaint that was issued to you sets forth the charges against you but is not evidence of your guilt. The rights you have in your case are set forth below.

RIGHT TO UNDERSTAND THE NATURE OF THE CHARGES You have the right to be advised of the nature of the charges against you. You should understand the nature of the charges before you enter a plea. If you do not understand the charges against you, you have the right to have the ordinances read to you by the Judge in open court, or you may request a copy of the ordinances.

MAXIMUM PENALTIES The maximum penalty that can be imposed for a Thornton Municipal offense that is comparable to a class 1 misdemeanor pursuant to state statute is 364 days of incarceration and/or a maximum fine of $1,000. The maximum penalty that can be imposed for a Thornton Municipal offense that is comparable to a class 2 misdemeanor pursuant to state statute is 120 days of incarceration and/or a maximum fine of $750. The maximum penalty that can be imposed for a Thornton Municipal offense that is comparable to a petty offense pursuant to state statute is 10 days of incarceration and/or a maximum fine of $300. The maximum penalty that can be imposed for a Thornton Municipal offense outside of those outlined above is 364 days of incarceration and/or a maximum fine of $2,650.

ADDITIONAL POINT PENALTIES If you are convicted 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 the following additional points will be assessed by DMV:

ADDITIONAL POINT PENALTIES			
Within a 12-month period having a 2nd 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 once+ 2 pts	Within a 24-month period having a 3rd + 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 twice + 4pts	Within a five-year period having a 5th + 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 + 8 pts	100 miles per hour or greater 4 pts

You are encouraged to request and review your DMV history through mydmv.colorado.gov and to consider this additional penalty action when making a determination as to how you want to proceed with your case.

RIGHT TO A REASONABLE CONTINUANCE You have the right to a reasonable continuance of the arraignment to seek the assistance of counsel; to determine which plea to enter; or for other good and sufficient reason.

RIGHT TO BAIL If taken into custody, you have the right to bail in an amount that has been set by the Court.

RIGHT TO COUNSEL You have the right to be represented by an attorney. If you are indigent, you may make application for a court-appointed attorney, and one will be assigned to you if your offense carries a possible penalty of jail. Individuals charged as juveniles are not entitled to a court-appointed attorney but can hire an attorney if desired.

RIGHT TO BE ADVISED OF IMMIGRATION CONSEQUENCES Your right to counsel also includes the right to be advised regarding possible adverse immigration consequences resulting from a guilty plea or conviction.

PRESUMPTION OF INNOCENCE You are presumed to be innocent of the charges that are filed against you. This presumption remains with you until and unless you are proven guilty or plead guilty in your matter.

RIGHT TO TESTIFY OR REMAIN SILENT You have the right to testify in your matter, which may subject you to cross-examination by the Prosecuting Attorney. Any statement you make may be used against you. You also have the right to remain silent and not make any statements. Your silence cannot be used against you as any evidence of guilt.

RIGHT TO PLEAD GUILTY OR NOT GUILTY By entering a plea of guilty, you give up your right to a trial. You also have the right to enter a plea of not guilty and have your matter set for trial to the Court, which is to the Judge, or to a jury, if eligible. The Prosecuting Attorney has the burden to prove the elements of the offenses charged either beyond a reasonable doubt or by a preponderance of the evidence, depending on the charges.

RIGHT TO TRIAL BY JURY You have the right to a speedy and public trial and to be tried within 91 days of the date of arraignment or entry of a not guilty plea. If you wish to have a jury trial you must, within 21 days from the date of entry of a not guilty plea, file a written demand for a jury trial and pay a $25 jury fee unless waived by the Court after review of a financial affidavit. You must also choose between three and six jurors. If you do not make that selection, then three jurors will be chosen for you. If you fail to meet these requirements, your trial will be to the Court. A juvenile may have a trial to the Court but is not entitled to a jury trial.

RIGHT TO CONFRONT WITNESSES At trial, you have a right to question witnesses called to testify against you and to cross-examine them.

RIGHT TO HAVE WITNESSES SUBPOENAED You have the right, if you plead not guilty, to subpoena witnesses on your own behalf at no expense to you. This is to compel witnesses to testify on your behalf. You may request subpoenas from the office of the Court.

RIGHT TO DISCOVERY AND INSPECTION You have the right to inspect and copy or photograph any books, papers, documents, photographs, or tangible objects that are within the Prosecuting Attorney's possession and control.

RIGHT TO APPEAL You have a right to appeal any judgment within 35 days after the judgement is entered. The City of Thornton is a court of record and all appeals from this Court are filed with the District Court in the County of Adams or District Court in the County of Weld, depending on the location of offense listed on your summons. See www.coloradojudicial.gov/self-help/other-appeals for additional information on appeals.

RIGHT TO SEAL/EXPUNGEMENT Pursuant to C.R.S. §24-72-705, the Court shall order the Criminal Justice Records sealed on qualifying adult matters when your case has been completely dismissed, you have been acquitted, or you have successfully completed a diversion agreement or a deferred judgment and sentence. Reference C.R.S. §24-72-708 regarding sealing of other matters. Juvenile cases follow the expungement process as outlined in C.R.S. §19-1-306(9) and §13-10-115.5 and may be expunged forty-two days after completion of a municipal sentence on qualifying matters. You may scan the QR Code for these advisements or visit the Court's website at www.ThorntonCO.gov/court.

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 and have been diagnosed with having any of certain mental health problems relating to my military service.
(You may be entitled to receive mental health treatment, substance use disorder treatment, or other services as a Veteran unless your charges are traffic infractions)
□ I am not currently serving in the United States Armed Forces and am not a Veteran of such Forces.

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

DEFENDANT SIGNATURE _____ DATE _____

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

DEFENDANTS' ADDRESS _____ CITY/STATE/ZIP _____

DEFENDANT'S PHONE NUMBER _____ DEFENDANT'S EMAIL _____

ALL FINES AND COSTS ARE DUE AND PAYABLE AT THE TIME THEY ARE IMPOSED BY THE COURT unless other arrangements are authorized by the Court. Failure to make payment when due, or appear as ordered, may result in additional penalties including, but not limited to, referral to collection agencies, wage/bank account/income tax garnishment, and in certain circumstances a bench warrant may be issued. If you are unable to make a payment when due, you must appear before the Court as scheduled.