



## 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 FILED AGAINST YOU** 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.

**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** In the event you are 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 court-appointed counsel but can hire a private attorney if desiring legal representation.

**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.

**RIGHT TO REMAIN SILENT** You have the right to remain silent and not make any statements. Any statement you do make may be used against you.

**RIGHT TO PLEAD NOT GUILTY** You 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 for a jury trial, 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 PLEAD GUILTY** A plea of guilty is your admission that you violated the ordinance as charged, or to an amended charge offered by the Prosecuting Attorney. By entering a plea of guilty, nolo contendere, or no contest, you waive your right to have a trial in your matter. Any plea entered must be made knowingly, intelligently, and voluntarily, and not the result of any undue influence or coercion. A plea of guilty, nolo contendere, or no contest is a final determination and if your case involves a traffic violation, a conviction may result in points being assessed against your driving record.

**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 CONFRONTATION** You have the right to confront witnesses called to testify against you and to cross-examine those witnesses.

**RIGHT TO TESTIFY** You have the right not to testify. If you choose not to testify, that will not be used against you as any evidence of guilt. In the event you do testify, you will be subject to cross-examination in the same manner as any witness in the trial.

**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. 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.

**BODY-WORN CAMERAS** If you have a constitutional objection to the release of body-worn cameras in your case, you must file the objection prior to 21 days after the local law enforcement agency or the Colorado State Patrol has received the request for release of the video or audio recording. A hearing will be held within seven days after filing.

**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 sent to the District Court in the County of Adams or District Court in the County of Weld.

**RIGHT TO SEAL/EXPUNGEMENT** Pursuant to C.R.S. §24-72-705 on its own motion the court shall order the Criminal Justice Records sealed 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. Otherwise, see 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. Pursuant to C.R.S. §19-1-306(9) and §13-10-115.5, expungement of eligible non-traffic juvenile records, apart from any objections filed or hearing held, may be expunged forty-two days after completion of a municipal sentence. There are certain limitations, processes, and exceptions to this rule. Please scan the QR Code for these advisements or visit the website at [ThorntonCO.gov/court](http://ThorntonCO.gov/court). Please consult the statute or legal counsel with any questions you may have.



**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 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

\_\_\_\_\_

DATE

\_\_\_\_\_

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

\_\_\_\_\_

DATE

\_\_\_\_\_

DEFENDANT'S 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.