

MUNICIPAL COURT, TOWN OF FIRESTONE, WELD COUNTY, STATE OF COLORADO

CASE NO. _____

FIRST APPEARANCE ADVISEMENT _____

Please be advised that you have the following rights regarding your case:

1. You have the right to request that bail be set if you are incarcerated, and you have the right to have your arraignment continued upon request for good cause shown.
2. You have the right to remain silent and not make any statement about your case, any statement you make can and may be used against you.
3. You have the right to be represented by an attorney, and, if indigent, the right to appointed counsel as may be applicable.
4. You have the right to be presumed innocent, and if you plead not guilty the prosecution must prove all charges against you beyond a reasonable doubt.
5. You have the right to issue subpoenas to compel the attendance of witnesses and evidence on your behalf.
6. You have the right to testify or not to testify on your own behalf.
7. Trial shall be by the court, unless you are entitled to a jury trial under the constitution, ordinances, charter, or general laws of the state, in which case you may have a jury, if, within twenty-one (21) days after arraignment or entry of a plea, you file with the court a written jury demand and at the same time tender to the court a jury fee of \$25.00, unless the fee is waived by the judge because of your indigence. When a jury trial is granted, the jury shall consist of three jurors unless a greater number, not to exceed six, is requested by you in the jury demand.
8. You have a right to a speedy and public trial and to confront and cross examine the witness called to testify against you.
9. You have the right to appeal following trial.
10. If you are not a U.S. citizen, a guilty plea or no contest plea may have serious immigration consequences. If your status is such, you may want to speak with an attorney before proceeding.

ADVISEMENT TO DEFENDANT CONCERNING SEALING OR EXPUNGING RECORDS: Pursuant to C.R.S. § 24-72-708, you may be entitled to have your case or conviction records sealed. Pursuant to C.R.S. § 19-1-306, juveniles may be entitled to have their case or conviction records expunged. Certain limitations and time limits apply. If you fully comply with your case and the charges against you are dismissed, you may move the Court to seal your record by filing a Motion to Seal pursuant to C.R.S. § 24-72-702.5. Upon request, the Court can provide you a copy of the Motion to Seal. Before the Judge can grant your motion you must (1) File a Motion to Seal and indicate all of the agencies that you wish the Court to send a copy of its Order to Seal and (2) pay the \$65 filing fee unless the Court waives the fee, which may be waived upon determination of your indigence. If the Court grants your Motion to Seal you may legally say that these records do not exist. For more information consult the Addendum to Adviseement to Defendant Concerning Sealing or Expunging Records, go to www.courts.state.co.us, or consult with an attorney. CBI also requires a fee for sealing a criminal justice record/s, the required processing fee to the CBI is \$27.98 to be paid directly to CBI.

PLEA BARGAINS AND PRETRIAL CONFERENCE: In many cases, the Town Attorney will make a plea bargain offer based on your driving record if your summons is for a traffic violation, or based on your criminal history if your summons is for an ordinance violation. If a plea bargain offer has been made, a separate Motion will be presented to you detailing the Town's offer. If you choose to accept the plea bargain offer, you have the right to enter a plea of guilty to the charge by which you must sign and return to the Court Clerk. If you choose to reject the plea bargain offer or plead not guilty, your case will be set for trial. If you plead not guilty, you may have a pre-trial conference with the Town Attorney regarding your case. The purpose of the conference is to determine whether or not you and the Town Attorney can reach an agreement regarding your case. Any discussions you have with the Town Attorney at the pre-trial conference cannot be used against you. If you have any questions regarding these Court procedures, please ask the Court Clerk or Judge.

IMPORTANT

If at any time you are unable to pay the monetary amount due, you must contact the Court at 303-531-6294 or appear before the Court to explain why you are unable to pay, and if you have the ability to pay the monetary amount as directed by the Court but willfully fail to pay, you may be imprisoned for failure to comply with the Court's lawful order to pay pursuant to the terms of C.R.S. §18-1.3-702.

I hereby acknowledge that I have carefully read and fully understand this Advisement and that I have been provided with a copy of the Addendum of Advisement to Defendant Concerning Sealing or Expunging Records.

Defendant: _____ Date: _____

Parent/Guardian (if Defendant under 18 years of age): _____

Attorney: _____