

**AURORA MUNICIPAL COURT
ADULT ARRAIGNMENT ADVISEMENT**

Please read this advisement carefully so that you will understand your rights and the procedures for the court session that's about to start. Your rights are:

- 1) You are presumed innocent. That means you have the right to plead not guilty and have a trial where the City will have the burden of proving that you are guilty beyond a reasonable doubt.**
- 2) If you are in custody you have the right to have the judge set bail in a reasonable amount to guarantee that you keep all of your court appearances. If in custody and after appearing before a municipal judge, for certain municipal offenses, you have the right to be release on a personal recognizance bond and you are not required to post a cash or surety bond prior to release.**
- 3) You have the right to an attorney. You may hire a private attorney at your own expense or you may apply for a Public Defender. A Public Defender will be appointed to represent you free of charge if you meet the financial guidelines set by the Colorado Supreme Court and if there is a possibility of a jail sentence if you are convicted. There is a small application fee that may or may not be charged depending on your finances. If in custody, you have the right to see a Public Defender before entering any plea or if you have plead not guilty, you may see a Public Defender and receive free legal advice.**
- 4) You have the right to have a trial to a judge or to a jury. In order to have a jury trial you must do two things within 21 days of the date you plead not guilty. Number one, you must sign a jury demand form at the Court Clerk's window. Number two, you must pay a \$25.00 jury fee, or if you cannot afford \$25.00 you may file a request for a waiver of the jury fee. If you don't take care of both of these requirements within 21 days of your not guilty plea you lose your right to a jury trial and your case can only be set as a trial to a judge. You get to pick the size of your jury, which can be 3, 4, 5, or 6 people. The jury fee is refundable if you are found not guilty, or if you inform the court at least 7 days before the trial that you have changed your mind and do not want a jury trial.**
- 5) You have the right to a speedy trial that is your trial must be heard within 91 days of the date of your plea. However, any delay that you cause or that you request does not count as part of the 91 days.**
- 6) You have the right to have free subpoenas issued to require your witnesses to come to court and testify for you. You can pick up the subpoenas at the Court Clerks window. It is your responsibility to have the subpoenas properly served in accordance with State law, by a person over 18 years of age who is not connected to this case.**
- 7) You have the right to testify or remain silent at trial, but you cannot be forced to testify. If you choose to remain silent, your silence cannot be used against you.**
- 8) You have the right to cross-examine any witnesses called by the City. You have the right to call witnesses of your own.**
- 9) If you are convicted, you have the right to appeal within 35 days to the Arapahoe County District Court.**
- 10) Throughout the legal process you have the right to remain silent. Any statement you make about the facts in your case can and may be used against you.**

When your case is called you may request a short continuance to consult a lawyer including the Public Defender before entering a plea or you can enter a plea of guilty, no contest, or not guilty.

If you plead “guilty” you will be giving up all of the rights just explained. You will be admitting that you committed the charged offense and you will have a conviction on your criminal record or if a driving offense, on your record at the Department of Motor Vehicles. The maximum sentence that may be imposed is a \$2650 fine and/or a jail sentence up to 364 days. The maximum for simple possession of two ounces or less of marijuana or drug paraphernalia is a \$100 fine, and to publicly display, consume or use two ounces or less of marijuana is a \$100 fine and 15 days in jail. Court costs and a surcharge will also be assessed in addition to any fine and restitution that may be ordered.

Additionally, if you are not a citizen of the U.S., a guilty plea (or “no contest”) may result in deportation, exclusion from admission to the U.S., a denial of naturalization as a U.S. Citizen or in other ways affect your immigration status. Therefore, upon your request, the Court will allow you a continuance of today’s hearing for a reasonable amount of time to consider the appropriateness of the plea and to contact an immigration attorney for legal advice.

A plea of “no contest” is exactly like a guilty plea except that you do not admit or deny the charge. However, you give up all of your rights and are subject to the same penalties as with a guilty plea and this will be a conviction on your criminal history. The judge has the discretion to accept or not accept a no contest plea.

Therefore, unless you plead guilty or no contest at this time, there are four options:

- 1) You may have a short continuance to get legal advice from a private attorney or Public Defender if you qualify for their representation, or
- 2) Enter a plea of not guilty, and you may apply for a Public Defender. If you are in custody, you are automatically entitled to a Public Defender if you want one, or
- 3) Enter a plea of not guilty and set a pretrial conference with the City Attorney. This is a meeting with one of the prosecutors to discuss the case and your interpretations of the incident. It is an attempt to reach a settlement and avoid having a trial. You can appear with an attorney or represent yourself. As the pretrial conference will delay setting a trial date, you will have to waive your right to a speedy trial for the period from the date of your plea until the pretrial conference. If you do not agree, you may not be offered the option of a pretrial conference. If you are unsuccessful in reaching a resolution and you did not hire an attorney, you can then apply for a Public Defender, hire an attorney or represent yourself at trial, or
- 4) You may set a date for trial.

In a moment the Judge will come into the court. When your case is called please come to the podium. The Judge will advise you of the charges and answer any questions you have concerning both the charges and your rights.

SEALED RECORDS: Please refer to additional handouts as it relates to your right to seal records

Thank you.