

Summons Number: \_\_\_\_\_

**ADVISEMENT FOR DEFENDANTS REGARDING SEALING OF YOUR RECORD**

**A. AURORA MUNICIPAL TRAFFIC VIOLATIONS:** Traffic violations are not eligible for sealing.

**B. AURORA MUNICIPAL CRIMINAL OFFENSES:**

**MOTIONS THAT MAY BE MADE IN THE AURORA MUNICIPAL COURT:**

**Acquittals:** Pursuant to C.R.S. 24-72-705, any defendant who was acquitted of all charges at trial is eligible to have the record of the violation sealed. The defendant may make an oral motion immediately after the acquittal or may file a written motion any time after such acquittal. The defendant shall provide to the court, within seven days of the motion if made orally or in conjunction with a written motion, a list of all agency custodians who may have custody of any records subject to the order. (See costs)

**Dismissals:** Pursuant to C.R.S. 24-72-705, any time a case against a defendant is completely dismissed, or the defendant completes a deferred judgment and sentence and all charges are dismissed, the defendant is eligible to have the record of the violation sealed. The defendant may make an oral motion immediately after the dismissal or may file a written motion any time after such dismissal. The defendant shall provide to the court, within seven days of the motion if made orally or in conjunction with a written motion, a list of all agency custodians who may have custody of any records subject to the order. (See costs)

**Costs:** Pursuant to C.R.S. 24-72-705, a defendant moving to have his or her criminal justice records sealed shall pay a processing fee of \$65 to the municipal court. However, the fee may be waived by the court upon a determination of indigency. The court will provide a copy of the order to seal to the Colorado Bureau of Investigation (CBI) and the defendant shall pay to CBI any costs related to the sealing of his or her criminal justice records in the custody of CBI. Follow the directions on the CBI website: <https://www.colorado.gov/pacific/cbi/disposition-update-and-sealing-arrest-record>

**Domestic Violence:** Pursuant to 24-72-705, if the case that was dismissed or resulted in an acquittal involved the allegation of domestic violence as defined by C.R.S. 18-6-800.3(1) the court shall allow the city attorney opportunity to notify the victim and shall set a return date for a hearing on the sealing motion no later than 42 days after receipt of the motion.

**MOTIONS THAT MAY BE MADE IN THE DISTRICT COURT:**

**Dismissal/Acquittal/Not charged:** Pursuant to C.R.S. 24-72-702, any defendant may petition the District Court of the county of arrest if all charges were dismissed, after acquittal of all charges, upon successful completion of a deferred judgment and sentence or if charges were not filed and the statute of limitations has run. There are exceptions and limitations to this statute.

**Convictions:** Pursuant to C.R.S. 24-72-708, any defendant may petition the District Court of the county of arrest to seal his or her criminal justice records 3 years after the municipal conviction (or release from supervision, whichever is later) and if the defendant has not been charged or convicted of a felony, misdemeanor, or misdemeanor traffic offense in the 3 or more years since. The defendant will be required to submit a verified copy of their criminal history with the petition to seal the record. There are exceptions and limitations to this statute.

\_\_\_\_\_  
Acknowledge Receipt-Defendant

\_\_\_\_\_  
Date

See Reverse Side for Advisement of Failure to Pay Fines and Costs and Keeping Address Current with Court

## **FAILURE TO PAY FINES AND COSTS**

If you cannot pay your fine and costs upon sentence, you will be given an opportunity to set up a payment plan with the court clerk's office. If you cannot make a payment when due, you must contact the clerk's office in person on or before the payment due date to explain why you are unable to pay the amount ordered, at which time you may request a modification or reduction of the payment plan, OR you may appear in court on or before the payment due date to request that a Judge order a modification, a reduction of the payment plan, or an alternative sentence other than incarceration. If you have not made a payment when due or have not appeared on or before the due date for any payment at the clerk's office or in court, the monetary obligation could result in a jail sentence, if it appears to the court that you, the defendant, have the ability to pay the fine and costs without undue hardship to yourself or your dependents, but have willfully failed to pay the monetary amount. In that situation, you will be served with a contempt of court citation, whereby if after a hearing before a judge, you are found in contempt of court, you can be sentenced to a period of up to fifteen (15) days in jail.

Please note, these provisions do not apply for the payment of TRAFFIC INFRACTIONS. A failure to pay those fines and costs will result in a notice to the Department of Revenue-Division of Motor Vehicle (DMV), which may result in additional costs and loss of driving privileges.

## **KEEP YOUR ADDRESS CURRENT WITH THE COURT CLERKS OFFICE**

Understand that you are under the jurisdiction of this Court as long as this case is open. I further understand that I have an obligation to notify the Court of any changes of address while this case remains open. You agree to waive personal service of a citation/setting slip/or any Court correspondence and accept all correspondence by Court through first class mail to the address I have provided to the Court. I understand that if I fail to appear in response to mail sent to the address, a warrant may be issued for my arrest.