
ACKNOWLEDGMENT OF ADVISEMENT OF RIGHTS

THE PEOPLE OF THE CITY OF FRUITA, COLORADO, by and on behalf of the People of the State of Colorado,

Plaintiffs,

v.

_____,

Defendant,

You are before the Court because a peace officer or another City Official for the City of Fruita has charged you with a violation of a Fruita City Ordinance. **Certain ordinance violations are classified as criminal offenses while others are classified as non-criminal offenses.** How a violation is classified will affect your rights in this Court. You are expected to enter a plea, which is a response, to these charges whether criminal or non-criminal.

1. **YOUR RIGHTS.** You have the following rights:

- a. The right to appear before a Judge of the Fruita Municipal Court.
- b. The right to enter a plea of not guilty, a plea of guilty, or a plea of no contest. Any plea you make must be voluntary on your part and not the result of undue influence or coercion by anyone.
- c. If you are charged with a non-criminal municipal offense, you will have a trial before a judge. If you are charged with a criminal offense, you have a right to a trial before a judge, or by a jury. Under Colorado law, juveniles (persons under 18 years of age) in no event are entitled to a trial by jury.
- d. If you are charged with a criminal offense or violation, you have the right to be represented by an attorney throughout all proceedings in this case including entry of plea and a trial.
- e. If you cannot afford to hire an attorney, you can ask the court to appoint one for you and one may be appointed if you financially qualify.
- f. If you are incarcerated for a bailable offense, you have the right to bail and the Court will advise you as to the amount of bail that has been set.
- g. You are presumed to be innocent of the charges, and if you plead not guilty, the prosecution must prove your guilt beyond reasonable doubt.
- h. At the trial, you have the right to confront the witnesses called to testify against you and to cross-examine or ask questions of those witnesses.
- i. You have the right to present evidence in your own defense at the trial and to compel the attendance of witnesses by subpoenas issued by the Court. You are responsible for obtaining subpoenas from the Court Clerk and serving said subpoenas on your witnesses.
- j. You have the right to have your case heard within ninety (90) days of entry of a not guilty plea unless a delay is occasioned by your action or your request, for good cause shown or if you waive this right.
- k. At this time I am not under the influence of any drug(s), alcohol, intoxicants or medications that would interfere with my ability to understand this advisement.

2. **JURY TRIAL.** If you are charged with a criminal offense and desire a jury trial, you must:

- a. File a written request within twenty-one (21) days after your arraignment or entry of a plea, and at the same time, pay to the Court a jury fee in the amount of twenty-five dollars (\$25), unless the fee is waived by the Judge because you are indigent.
- b. If the action against you is dismissed or you are acquitted of the charge, or if you, having paid the jury fee, file with the Court at least seven (7) days before the scheduled trial date a written waiver of jury trial, the jury fee will be returned to you.
- c. If you fail to file with the Court the written jury request and pay the fee as provided above, you have waived your right to a trial by jury and your trial will be before the Judge only.
- d. When a jury trial is granted, the jury will consist of three jurors unless a greater number, not to exceed six (6), is requested by you in the jury demand.

3. PENALTIES

- a. If you are charged with a Class A criminal offense, the Municipal Court has the authority to impose fines not exceeding one thousand dollars (\$1000) and imprisonment not exceeding one (1) year, or any combination of said fines and jail term, unless otherwise provided in the ordinance you are charged with violating. If you are charged with Class B criminal offense, the Court has the authority to impose fines not exceeding one thousand dollars (\$1000) and imprisonment not exceeding six (6) months, or any combination of said fines and jail term, unless otherwise provided under the ordinance you are charged with violating. If you are charged with a non-criminal municipal offense, the Court has the authority to impose fines not exceeding one thousand (\$1000), unless otherwise provided in the ordinance you are charged with violating. No jail term may be imposed for a non-criminal municipal offense. The Court may place you on probation for a period not exceeding one (1) year and may impose reasonable terms and conditions of probation including community service work, counseling, and continuation with your employment and schooling.
- b. **Payments of all fines and costs are due by 4:00 p.m. on the day following sentencing unless another payment schedule is designated by the Court.**

4. APPEALS. If you believe that a decision made by the Court is incorrect, you have the right to appeal that decision to the Mesa County District Court. To appeal the appellant shall within thirty-five (35) days after the date of entry of the judgment or the denial of post trial motions, whichever is later, file notice of appeal in the Municipal Court, post such advance costs as may be required for the preparation of the record and serve a copy of the notice of appeals upon the appellee.

5. FAILURE TO APPEAR. If you fail to appear at a future scheduled Court session, a bench warrant may be issued by the Court for your arrest and you may be held in contempt of court, punishable by a fine and/or jail sentence. If you are charged with a non-criminal violation and you fail to appear, the court may enter a default judgment against you and may issue a warrant for your arrest.

I HAVE CAREFULLY READ, AND I UNDERSTAND, THE ABOVE ADVISEMENT OF RIGHTS. I UNDERSTAND THAT IF I DO ENTER A PLEA OF GUILTY TO THE CHARGE(S) I AM WAIVING AND GIVING UP ALL OF THESE RIGHTS IN SECTIONS 1, 2, 3, AND 4 ABOVE.

Print Name _____ Date _____

Address _____ Phone _____

Defendants Signature

Parent/Guardian Signature

ATTORNEY'S SIGNATURE & REGISTRATION #

ACKNOWLEDGEMENT OF RIGHT TO AN ATTORNEY

I ACKNOWLEDGE AND UNDERSTAND MY RIGHT TO HAVE A ATTORNEY REPRESENT ME AS EXPLAINED IN SECTION 1(d)&(e) ABOVE. I AM VOLUNTARILY GIVING UP THAT RIGHT AND I CHOOSE TO ENTER A PLEA OF GUILTY OR NOT GUILTY AT THIS HEARING WITHOUT THE ADVICE OR ASSISTANCE OF AN ATTORNEY. I UNDERSTAND THAT IF I ENTER A PLEA OF NOT GUILTY AND THE CASE IS SET FOR A TRIAL I CAN HAVE MY OWN ATTORNEY OR REQUEST A COURT APPOINTED ATTORNEY TO REPRESENT ME IN THE TRIAL AS SET FORTH IN SECTION 1(d)&(e) ABOVE.

Defendants Signature

Parent/Guardian Signature