



# YOUR RIGHTS IN MUNICIPAL COURT

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## INFRACTIONS

### What is an arraignment?

Arraignment means to come to court, learn about the charge(s) against you, learn about your rights, and answer the charge(s).

### What are my rights?

1. You do not need to make any statements. Any statements you do make could be used against you.
2. You are presumed innocent of the charge(s). Even though you have a ticket or citation, this is only an accusation and not proof of any crime. The Assistant City Attorneys (also known as the Prosecutors) are required to prove the charge(s) beyond a reasonable doubt before you would be considered guilty.
3. You have the right to be represented by a lawyer at your own expense. The Prosecutors are **not** your lawyers as they represent the City. You are not eligible for a court appointed lawyer because the charges against you do not involve the possibility of a jail sentence. You may want to consult with a lawyer before you make any decisions about your case. Your lawyer can advise you about plea bargaining, evidence and other issues (such as the effect of a conviction on your driver's license and/or on your immigration status, if you are not a U.S. citizen). If you want to consult with a lawyer you may ask for a continuance of the arraignment, or you may ask to set your case for a pre-trial conference.
4. There are three possible pleas you may make: **"Not Guilty"**, **"Guilty"**, or **"No Contest"** (meaning you do not contest the charges). Any plea you make must be voluntary, knowingly, and intelligently made. Do not enter a plea if you are feeling forced, coerced, or under any undue influence.
5. If you plead Not Guilty, you have the right to a trial within ninety-one (91) days of the day your "Not Guilty" plea is entered.
6. You have the right to a bench trial (trial in front of a judge and without a jury) for any violation. You do not have the right to a jury trial in the case pending against you.
7. If you plead not guilty and go to a trial, you have the right to call witnesses or to present any evidence that you feel is important to your case. You have the right to have the Court issue subpoenas, without expense to you, to compel the attendance of witnesses on your behalf. You have the right to cross-examine the prosecution's witnesses. You have the right to testify or not testify on your own behalf at trial. If you do not testify, your silence will not be held against you. If you do testify, you may be cross-examined by the prosecutor.
8. If you are convicted at the trial or if you plead guilty, you may present evidence in extenuation or mitigation, that is, anything you want the court to consider before imposing a sentence against you.
9. If you lose at trial, you may appeal to the Weld County District Court. In order to do so you must, within thirty-five (35) days of the entry of the judgment, file a Notice of Appeal pursuant to Rule 37 of the Colorado Rules of Criminal Procedure. Once the thirty-five (35) days expire you lose your right to appeal.

**What are the possible penalties for the violation I am charged with?**

You have been charged with a violation of the Greeley Traffic Code that is classified as either a **Criminal** or **Traffic Infraction**. This means that the maximum penalty is a fine of no more than \$500. The Court can also impose additional terms and conditions as part of your sentence if you plead guilty or are convicted after a trial. These conditions may include Useful Public (Community) Service or attendance at remedial classes.

**What are the penalties if I received a ticket for not having automobile insurance?**

Violation of the uninsured motorist ordinance subjects you to a minimum fine of \$500 for the first offense and a minimum fine of \$1,000 for the second and later offenses within five years. The fines and jail sentence may be suspended at the Court’s discretion. If you were covered by automobile insurance on the day you received the ticket, you must show proof of insurance in order to have the charge dismissed.

**Will my driver’s license be affected if I plead guilty or am convicted?**

The Colorado Department of Revenue/Motor Vehicles Division can advise you about the effect a guilty plea or conviction will have on your driver’s license. It is important to know how the charges against you or a proposed plea bargain affects your driver’s license. If you are under 18 years old your license will be suspended if you get 6 points or more within 12 months or 7 points prior to turning 18. If you get any points prior to your 16th birthday, those points will be assessed when you turn 16. If you are between 18-20 years old you are considered a Minor Driver. If you get 9 points within a 12 month period you will lose your license. If you get 12 points within a 24 month period of time or 14 points between the ages of 18-21 you will lose your privilege to drive. If you are 21 and older you are considered an Adult Driver. If you get 12 points within a 1 year period you will lose your privilege to drive. If you get 18 points in a 24 month period of time you will lose your privilege to drive. Only the Colorado Department of Revenue/Motor Vehicles Division can give restricted licenses or tell you about actual impacts to your driving privilege. You may obtain information about the point accumulations that result in suspension, and about charges that may result in the suspension of your driving privileges at [www.colorado.gov/revenue](http://www.colorado.gov/revenue).

**Can I discuss my case with a Prosecutor or continue the arraignment?**

You may speak to the Prosecutor today in an effort to resolve the case. You may also request that the Court continue your arraignment for another day. The Court may grant such a request for good cause.

**ACKNOWLEDGMENT OF RIGHTS**

I am the defendant in this case and acknowledge that I have read and understand the rights and penalties listed above.

Signature \_\_\_\_\_ Date \_\_\_\_\_  
Printed Name \_\_\_\_\_

Parent Signature (if under 18) \_\_\_\_\_ Date \_\_\_\_\_  
Printed Name \_\_\_\_\_

**▼▼▼▼FOR COURT USE ONLY▼▼▼▼**

Case: \_\_\_\_\_ Summons: \_\_\_\_\_