

PHOTO ENFORCEMENT ADVISEMENT

You are here today for an Arraignment, because you have been accused of violating Denver's Automated Vehicle Identification System Ordinance (Photo Enforcement). There are three purposes to having an arraignment.

- To be advised of your rights;
- To be advised of the charge(s) against you, and any possible penalties;
- To enter a plea of Guilty or Not-Guilty.

YOUR RIGHTS

You have the following rights concerning your Photo Enforcement Ticket:

1. To know the nature of the charge(s) against you, the penalty and costs that may be assessed against you if you plead guilty or found to be guilty/liable after a Final Hearing;
2. To be represented by an attorney at your own expense, at each and every stage of these proceedings, including this Arraignment;
3. To deny the charge(s) against you and to have a Final Hearing within ninety (90) days from the date of your not-guilty plea;
4. To remain silent because any statement you make can be used against you;
5. To be presumed innocent of the charge(s) and to have each and every element of the charge(s) against you proven beyond a reasonable doubt;
6. To cross examine any witness called against you, to subpoena witnesses, present evidence and testify or not as you choose;
7. To appeal any findings of guilt or liability after a Final Hearing to the Denver District Court; based on the record made at the Final Hearing.

Charges and Penalties

The charge(s) against you will be that shown on the Penalty Assessment Notice (Photo Enforcement ticket). Photo Enforcement tickets are zero (0) point violations and are not reported to the Department of Motor Vehicles. Additionally, there are no court costs associated with Photo Enforcement tickets. If you plead guilty or you are found guilty after a Final Hearing, **and** you were personally served with a Penalty Assessment Notice, you may be liable for the cost of service in addition to your fine. The maximum fine for speeding on a Photo Enforcement ticket is \$40, unless the violation occurs in a school zone or work zone; in which case the fine may be doubled. The maximum fine for disobedience to a traffic control device detected by use of an Automated Vehicle Identification System is \$75. The Court will only accept pleas of **guilty or not-guilty**.

Pleas

Any plea you make to the Court must be made knowingly and voluntarily; without any undue influence, coercion or promises made to you by any person. You may not enter any plea if you are under the influence of alcohol, drugs or medication.

Guilty Plea indicates that you do not dispute the charge(s) and acknowledge a factual basis for the charge(s). Additionally, you give up all the rights mentioned in this advisement, including your right to have a Final Hearing, your right to have the charge(s) proven beyond a reasonable doubt, and your right to appeal.

Not-Guilty Plea indicates that you dispute the charge(s) against you and wish to have a Final Hearing within ninety (90) days of the date you enter your not guilty plea. A Final Hearing is an informal version of a trial; where the complaining witness(es), you, and any other witnesses appear before the Judge or Magistrate. Since Photo Enforcement tickets are non-criminal charges, you do not have the right to a Jury Trial or to request that only a Judge hear your case; however, the case against you must still be proven beyond a reasonable doubt.

ENTRY OF NOT-GUILTY PLEA

I, _____ the named defendant in this action, hereby acknowledge that I have read and understand this advisement of rights and hereby enter a plea of **Not-Guilty** to the charge of 54-156 D.R.M.C. (speeding) **OR** enter a plea of **Not-Guilty** to 54-101 D.R.M.C. (disobedience to a traffic control device), whichever is applicable; and was alleged to be detected by the use of an Automated Vehicle Identification System.

I understand that if a judgment is entered against me, the penalty will be that shown on the Penalty Assessment notice (Photo Enforcement ticket) as well as the actual costs of personal service, if applicable.

Furthermore, I understand that if I fail to appear at any subsequent hearing, a default judgment for liability will be entered against me and the penalty and personal service fee, if applicable, will be assessed.

I acknowledge that I have received a copy of this Photo Enforcement advisement.

Signature _____ Case Number or Vehicle License _____

Waiver of Service (applies only if party was not served a Penalty Assessment Notice)

I have not received a Penalty Assessment Notice by personal service. I understand that by signing below, I hereby waive my right to personal service of a Penalty Assessment Notice upon me pursuant to Rule 204(e) of the Colorado Municipal Court Rules and Procedures.

Signature _____ Phone Number _____

This Advisement, Plea of Not-Guilty and Waiver of Service of Process (if applicable) is dated on this _____ day of _____, 20 _____.

Please Attach Photocopy of Driver's License