

ADVISEMENT OF RIGHTS FOR TRAFFIC OFFENSES

Your presence in court today is because you have been accused by a Denver police officer of violating, within the City and County of Denver, one or more sections of the state statutes and/or municipal ordinances as they relate to traffic violations. Today's procedure is called an **ARRAIGNMENT**. The purpose of an Arraignment is to advise you of your rights; to advise you of the charge(s) against you and to allow you to enter a plea, whereby you would say whether you are guilty or not-guilty of the alleged violation(s). If you enter a not-guilty plea, your case would be set for a trial on a future date.

There are two types of traffic violations that you can be charged with in Colorado: **OFFENSES**, which are more serious charges such as driving without proof of insurance; and **INFRACTIONS**, which are less serious charges such as speeding 10 mph over the posted speed limit. Your rights and any possible penalties vary depending upon whether you were charged with an offense or infraction. If you were charged with a combination of offense(s) and infraction(s), you will have the rights and possible penalties associated with offense violations. If the offense charge(s) are dismissed, and only infraction charge(s) remain, your rights and possible penalties will be associated with infraction violations.

If you are charged with an OFFENSE, (or combination of offense(s) and infraction(s), you have the following rights and possible penalties:

1. To know and understand the charge(s) against you;
2. To be considered innocent unless you enter a guilty plea or are found guilty at trial;
3. To be represented by an attorney. If you cannot afford an attorney, the right to have a public defender if jail is a possible sentence and you meet the income guidelines;
4. To plead not-guilty and have a trial to the Court or a Jury trial within 90-days of your plea (for some charges within 180 days of your plea.) For a jury trial, you may be required to file a written demand and may have to pay a \$25 fee within 21 days;
5. The right to request a Judge hear your case instead of a Magistrate. If you consent to a Magistrate hearing your case, you cannot change your mind later;
6. To remain silent, because any statement made by you, may be used against you;
7. To have your guilt to each element of the charge(s) proven beyond a reasonable doubt;
8. To cross examine any witnesses called against you, to subpoena witnesses, present evidence and to testify or not as you choose;
9. Any answer that you make must be voluntary and not the result of any undue influence or coercion on the part of anyone;
10. The right to appeal any finding of guilty after a trial to Denver District Court.

POSSIBLE PENALTIES FOR OFFENSES DEPENDING UPON THE CHARGE(S)

1. Jail time up to 2 years per charge;
2. Fines up to \$3,000 per charge;
3. Court costs of \$21;
4. Points may be assessed against your driving privilege by the Colorado Department of Motor Vehicle (DMV);
5. Possible surcharges and additional costs for Victims Assistance or Compensation Fund, Brain Injury Trust Fund, or various other funds.

PLEA BARGAINS:

The prosecutor may (but is not required to) offer you a plea bargain to reduce the charge(s) and/or the amount of points assessed against you on your case. At your own expense, you can or may be required to attend a driver education class; however, this does not guarantee any reduction in fines or points. A plea bargain is a compromise where the prosecutor offers you these lesser penalties in exchange for not having to take the case to trial. In some cases, in order to reduce the points you may be asked to plea to a lesser charge that has nothing to do with your original ticket. This is legal as long as you understand that you are waiving the factual basis for this lesser charge in an agreement to reduce the penalty. For example, if you were charged with a 4-point speeding violation, you may be offered a 2-point defective vehicle charge in its place. This is because there is not a 2-point speeding charge under statute or ordinance, so to reduce the penalty, you are asked to plea to a different charge. You are not required to accept the plea bargain offer made to you by the prosecutor.

If you feel that you are not guilty of the charge(s), you have the absolute right to enter a not-guilty plea and require the prosecutor to prove the charge(s) against you beyond a reasonable doubt. If you fail to appear for any future court dates, additional fees and penalties which may affect your driving privilege will be assessed. Failing to appear for any future dates for traffic offense charge(s), (including any combination of offenses and infractions) may also subject you to arrest.

I acknowledge that I have read and understand the contents of this advisement of rights.

Defendant's Signature: _____

Date: _____