

YOUR RIGHTS AND COURT PROCEDURES FOR MUNICIPAL JUVENILE IN DENVER COUNTY COURT

Today's procedure is called an ARRAIGNMENT. The purposes of an arraignment are:

1. to advise you of your rights;
2. to advise you of the charges against you;
3. to allow you to make a PLEA, which means to say whether you are guilty or not guilty and to set your case for trial.

THESE ARE YOUR RIGHTS

- All cases require a parent or legal guardian to be present if the youth is under 18 years old.
- You have the right to plead NOT GUILTY, which means you want a trial. The trial will occur on a later date and a judge or magistrate will decide the case, as there are no jury trials in this court.
- You have the right to understand the meaning of each charge against you. If you don't understand, please ask.
- You are innocent unless you say you are GUILTY or unless you are found guilty after your trial.
- You may remain silent. If you speak, what you say may be used against you in Court.
- You have the right to be represented by an attorney. You may represent yourself (have no attorney) or hire your own lawyer. Public Defenders are not appointed on Juvenile cases.
- You have a right to a speedy trial. In most cases there must be a trial within 90 days from the day of your not guilty plea. In some other cases the trial must occur within six months.
- If you have a child in CUSTODY (in jail), he/she may be released and given a new date, by posting a bail bond with the Court, or if the Court agrees, by a promise to appear at the next Court date (PERSONAL RECOGNIZANCE BOND).

PLEA BARGAINS (Diversion)

The prosecutor may offer to reduce the charges against you by agreeing to dismiss a charge or by changing a charge to a different violation. It is completely up to the prosecutor whether to make any offers and to make recommendations to the Court. You do not have to accept an offer made by the prosecutor. In certain cases the prosecutor may make an offer that will allow you to keep the charges off of your record. This may require you to participate in a program called diversion or to be placed on a deferred judgment. **If you accept Diversion, the court will require you to complete 1 day on the Juvenile Offender Work Program (community service with the Denver Sheriff Dept.).** This will be explained to you when your case is called.

THESE ARE YOUR OPTIONS

When the Judge asks how you wish to plead, your choices are: GUILTY OR NOT GUILTY

- If you plead NOT GUILTY, you are denying the charges and requesting a trial. Your trial will be scheduled within ninety days.
- If you plead GUILTY, you are admitting the charge and giving up your right to have a trial. You will have a chance to explain to the judge what happened before a penalty is imposed.
- If you plead GUILTY you are stating that your plea is voluntary, that it is made without coercion, promises, or undue pressures, and that you are not under the influence of any drugs, medication, or alcohol that may impair your judgment. You are agreeing that if there had been a trial you could have been found guilty of the charge.
- By pleading guilty you are also stating that you know the penalty will be up to the judge. The maximum penalty is up to \$999 in fines plus court costs. Court costs are \$46. The court will consider the recommendations from the prosecutor and statements of the victim (if any). You may also give the judge information that may help to reduce the penalty.

TRIAL RIGHTS (Trial to the Court)

- The prosecutor must prove each charge BEYOND A REASONABLE DOUBT. If the charge is not proven you will be found NOT GUILTY.
- You have the right to remain silent. If you do not speak or testify, the Court will not assume that means you are guilty. You have the presumption of innocence until the case is proved beyond a reasonable doubt at trial.
- If you decide to testify or present evidence, you may be questioned about your evidence and your evidence may be used in Court against you.
- You may question (CROSS EXAMINE) any witness who testifies against you.
- You may bring witnesses to Court on your behalf, and you may bring other evidence, such as photos or documents.
- You may ask the Court for free SUBPOENAS. Subpoenas require people to appear in court and testify. If the court approves, you may also require a witness to bring documents to court.
- If you are found guilty at trial, you may APPEAL to the Denver District Court. If you win the appeal, the District Court may allow you to have a new trial in the original court.

FINAL HEARINGS (Possession of Marijuana cases ONLY)

- The complaining witness, usually the police officer that cited you, will be presenting the case against you and the City Attorney is not required to prosecute the case.
- The police officer must prove each charge BEYOND A REASONABLE DOUBT. If the charge is not proven you will be found NOT GUILTY.

PENALTIES

If you plead GUILTY the court may impose a fine up to \$999 and/or up to one year of probation plus costs. If you fail to appear in court a warrant will be issued and you may be arrested. You also may have to pay a fee to clear an Outstanding Judgment Warrant (OJW) which is a hold on your license when you have a case that is not completed or costs that are due. The Colorado Department of Motor Vehicles (DMV) will have a record of your OJW in its data base.

CONTEMPT is remedial punishment v. punitive sanctions. Attitude may cause you to get into a contempt problem.

JUDGE or MAGISTRATE

The judicial officer today may be either a JUDGE or a MAGISTRATE. In some cases you have the right to decide which one you prefer to hear your case. If that is the case, you will be asked for your preference. If you agree to a Magistrate hearing your case, you may not later change your mind.

FAILURE TO GO TO COURT (FTA, BW, BOND)

If you miss any Court dates you may be arrested and jailed. Your driver's license will also be affected so that you may not drive until you return to Court and take care of all the issues that resulted from your failure to appear. There will be a fee of \$30 to release a driver's license hold and a \$50 Warrant Fee may be added.

I, _____, the defendant in this case, have read and understand the contents of this document, and I give up my right to any further explanation of my rights by the Court.

Date: _____
Parent or Guardian