

BOULDER MUNICIPAL COURT ADVISEMENT OF RIGHTS

The Municipal Court is the judicial branch of the Boulder City government. You are charged with a violation of a City ordinance. The fact that you received a summons and complaint is not evidence of guilt. You have the following rights in this court:

- You are presumed innocent of all charges. To obtain a conviction on any charge, the prosecution must prove each and every element of the charge beyond a reasonable doubt.
- You have the right to be represented by an attorney at all stages of the proceeding. If you wish, the Court will continue your arraignment without entry of a plea for a reasonable time so you may consult an attorney. If you are indigent and the charge carries a possible jail sentence, the Court may appoint an attorney for you at no cost to you. You must check with the Court Clerk to get information on attorney appointment. You also have the right to represent yourself; if you choose to represent yourself, you will be deemed to have waived your right to an attorney.
- You have the right to plead "not guilty" and set the case for a trial. Trials may be to the Court or to a Jury. You are entitled to a jury trial only if the charge against you carries a possible jail sentence, and in that event only if you are at least eighteen (18) years of age. If you are eligible for a jury trial and you wish to exercise that right, you must (1) file a written demand for jury trial, AND (2) pay a \$25.00 jury fee within ten days of the date you pled not guilty. The Court may waive the fee if the Court determines that you are indigent. Jury demand forms are available at no cost at the counter. You may elect to be tried by three to six jurors. If you do not make an election, trial will be to a jury of three.
- You have the right to subpoena witnesses, to confront and cross-examine the witnesses against you, and to decide whether to present a defense. You are not obligated to present a defense; the burden is not on you to prove your innocence. Subpoena forms are available at the front counter at no cost; however, you are responsible for serving your subpoenas on your witnesses.
- You have the right to remain silent at all stages of the proceeding. Statements you make in open court may be used against you at trial; however, statements made to a prosecutor as part of the plea bargaining process may not be used against you. If you choose not to testify, no inference of guilt will be drawn from your silence. If you testify, the prosecutor may cross-examine just like any other witness.
- Any plea of "guilty" must be voluntary, and if you plead guilty you will be giving up all the rights explained in this document including your right to a trial.
- You have the right to a speedy and public trial. The City must bring you to trial within ninety (90) days of the date of your plea, not counting delays caused or requested by you or your attorney.
- You have the right to know and understand the charges against you. If the elements of any charge are not apparent from the face of the summons and complaint, ask the judge to explain the charge. You also have the right to know the maximum penalty that may be imposed if you are convicted. The possible maximum penalties in this court are: for traffic infractions, a \$100 fine (\$200 in marked school and construction zones) and the number of points set forth on the ticket; for traffic offenses, a \$300 fine, 90 days in jail, and the number of points set forth on the ticket; for general offenses (most non-traffic offenses), a \$1,000 fine and 90 days in jail. In the case of traffic offenses and general offenses, the Court may place you on probation for up to two years. In addition to any penalty imposed by the Court, there may be "collateral consequences" in the event of a conviction.
- If you are in custody, you have the right to ask for bail. The Court may set bail in such an amount and with such conditions as it deems appropriate.
- Finally, you have the right to appeal any decision of this Court to a higher court. In order to appeal any ruling you must file a notice of appeal with the Boulder District Court within thirty days (30) from the final action of the municipal court.

In addition to these rights, you have certain obligations. You must appear promptly for all court hearings. You must respect the Court and its employees. You must refrain from making unreasonable noise or engaging in disruptive behavior. You must refrain from harassing, molesting, retaliating against, or tampering with any witness. Violation of any court rule or order may result in a finding of contempt and a penalty that includes a fine of up to \$300.00 and a jail sentence of up to 90 days.

I certify that I have carefully read and understand all the rights set forth herein. If I have questions, I will ask the judge.

Defendant's Name

Signature

Date

Case Number

Parent/Guardian

Signature

Date

Case Number