

MUNICIPAL COURT, EAGLE, COLORADO
200 Broadway
PO Box 609
Eagle, CO 81631
Phone: (970) 328-9629 Fax (970) 328-5203

**THE PEOPLE OF THE STATE OF COLORADO, BY AND
THROUGH THE TOWN OF EAGLE**

v.

Defendant.

• COURT USE ONLY •

Case No. _____

**PLEA OF NOT GUILTY, REQUEST FOR PRETRIAL CONFERENCE
AND WAIVER OF 91 DAY PROVISION**

Comes now the above named Defendant, and (1) pleads not guilty to the charge(s) in this matter; and (2) requests that the Court set this matter for a telephone pretrial conference with the Municipal Court Prosecutor for the Town of Eagle.

In requesting that this matter be set for a pretrial conference, the undersigned Defendant hereby waives the right to have a trial in this matter within 91 days of the date of arraignment or entry of a plea of not guilty in this matter, whichever is earlier, and moves that speedy trial in this matter be waived through the date of the pretrial conference set in this matter. The Defendant understands and agrees that the calculation of the 91-day speedy trial period applicable in this matter will re-commence the day following the date of said telephone pretrial conference.

The undersigned Defendant, in making this waiver, specifically acknowledges that the provisions of Rule 248(b) of the Colorado Municipal Court Rules of Procedure confer the right upon defendants in Colorado municipal courts to be tried within 91 days of the date of their plea of not guilty, and knowingly waives such right.

Signature of Defendant (or Attorney for Defendant)

Date

Please list all contact information:

Phone _____

Mail _____

Fax _____

E-mail _____

Contact by (check all that apply): Phone _____ Mail _____ Fax _____ E-Mail _____

Instructions

- Sign, date, and return this document to the Eagle Municipal Court.
- You are required to personally appear at all court dates set in this matter until this form has been received by the Eagle Municipal Court **and** you have received information from the court with a date and time for a telephone pretrial conference.
- You are responsible for calling the Municipal Court Prosecutor at the date and time of your telephone pretrial conference. If you do not call, one or more of the following may occur: (1) your default may enter; (2) you may be found in contempt of court; (3) a warrant may issue for your arrest.

EAGLE MUNICIPAL COURT, EAGLE COUNTY COLORADO

Case # _____

ADVISEMENT

The Town of Eagle by and on behalf of The People of the State of Colorado, Plaintiff, VS.

Defendant

You are before the Court because a peace officer for this town has charged you with a violation of the law.

YOU HAVE THE FOLLOWING RIGHTS:

1. To be represented by counsel, and if indigent, the right to appointed counsel as applicable;
2. To have a full explanation of the nature of the charges against you. If you do not understand what you are charged with, ask the judge;
3. To be presumed innocent of the charges, and if you plead not guilty the prosecution must prove you guilty beyond a reasonable doubt;
4. To plead "Guilty," "Not Guilty," or "No Contest";
5. To bail and to be advised of the amount of bail that has been set by the court;
6. To make no statement, but that any statement made can and may be used against you;
7. To have a trial by a jury, if such right is granted by ordinance. A jury demand must be made in writing accompanied by a \$25 jury fee, within twenty-one (21) days of entering a not guilty plea, unless the court waives the fee because of indigence. If you fail to meet the above conditions, your trial shall be before the judge;
8. To compel the attendance of witnesses in your behalf by subpoenas, issued by the court, without expense to you;
9. To confront witnesses called to testify against you and to cross-examine those witnesses;
10. To a list of prosecution witnesses prior to the time of trial;
11. To testify or not testify in your own behalf. Your silence does not imply any wrongdoing on your part and cannot be used against you;
12. To appeal any judgment within 30 days after the judgment is entered, to the district and appellate court of Colorado, however, if you plead guilty you waive your right to appeal;
13. To a continuance of this arraignment to hire an attorney to represent you or for some other good reason;

If you have any questions about these rights, ask the judge.

POSSIBLE PENALTIES: The maximum penalty that can be imposed for a non-criminal traffic violation is a fine up to \$2650. The maximum penalty for all other charges is a fine up to \$2650 and/or 364 days in jail. A juvenile at the time of violation cannot be incarcerated.

I have carefully read and understand the above advisement

Your Signature

Date

Parent's Signature (if defendant is under 18 yrs)

Date

Advisement to Defendant Concerning the Sealing of Records

Colorado Revised Statutes 24-72-308(1)(a) states that any person in interest may petition the district court of the district in which any arrest and criminal records information pertaining to said person in interest is located for the sealing of all said records, except basic identification information, if the records are a record of official actions involving a criminal offense for which said person in interest was not charged, in any case which was completely dismissed, or in any case in which said person in interest was acquitted.

Defendants who were convicted of charges or pled guilty to charges may not petition for the sealing of those records.

Advisement to defendant concerning Underage Consumption/Possession of Alcohol

If you are convicted of an underage alcohol related offense in the State of Colorado you will lose your driving privilege as follows:

First Offense: Three month driving suspension
Second Offense: Six month driving suspension
Third Offense: One year driving suspension

This conviction will also be reported to your home state.

For more details on how to get your license re-instated after an alcohol related conviction, please call the Department of Motor Vehicle at 303/572-5613.

I have carefully read and understand the above Advisements:

Your Signature

Date

Parent's Signature (if defendant is under 18 yrs)

Date