

ADVISEMENT OF RIGHTS EAGLE MUNICIPAL COURT

The Eagle Municipal Court is the judicial branch of the Eagle Town Government. If you are charged with a violation of the Town Ordinances, this is the Court in which your case will be heard. It is the place where you will have the opportunity to defend yourself against an allegation that you have violated an Ordinance of the Town of Eagle.

In every case, there is a presumption of law that you are innocent of the charge(s) until competent evidence proves otherwise, or you enter a plea of "guilty", which is your admission of guilt.

If you are charged with a violation, you have the following rights:

1. You may remain silent. You need not make any statement, and any statement you make can and may be used against you.
2. You will be fully informed of the charge(s) against you.
3. You may be represented by an attorney of your choice, and if you are an indigent person and qualify, you may request appointment of an attorney.
4. You may plead "guilty", "not guilty", or "no contest" / "nolo contendere" to the offense with which you are charged.
5. You are entitled to a reasonable continuance of your case for good cause.
6. You are entitled to a trial by jury. However, in order to qualify for a jury trial, you must request a trial by jury in writing within twenty- one (21) days after the arraignment entry of a plea of "not guilty". Within that time, you must tender to the Court a jury fee of \$25.00, unless the fee is waived by the Judge due to a determination of your indigence. Your case shall be tried by a jury of three, unless at the time of making the demand for the jury trial, you request a greater number, but in no event shall more than six (6) jurors be allowed.
7. You may call witnesses on your behalf and have subpoenas issued by the Court without expense to you in order to compel the attendance of witnesses.
8. You are entitled to a list of witnesses for the prosecution prior to the time of trial.
9. You may cross-examine witnesses who testify against you.
10. You may testify on your own behalf, as you desire.
11. You may appeal this Court's decision to a Court of higher jurisdiction.
12. The following applies if/when a defendant would like a continuance for his/her arraignment hearing/trial:
 - a. A defendant must submit a written request, documenting the reason for the continuance; at least seven (7) business days in advance of his/her scheduled court date for an arraignment or hearing.

- b. If an individual is scheduled for a trial, the written request documenting the reason for the continuance must be submitted at least ten business days in advance of his/her scheduled trial date;
- c. All requests for continuances must be made in writing and may be faxed, mailed or brought to the court office; and,
- d. As always, there shall be leeway for flexibility and exceptions to the required time-frames based upon special circumstances. An individual must provide written documentation, where applicable, as to the reason for the continuance request, which can be verified by the court, to support his/her claim for extenuating circumstances for not submitting a written request within the required time frames.

When you plead "guilty", it is the same as saying, "I did violate the law as charged in the complaint against me", in which case, a hearing will be held by the Court during which time you will be given the opportunity to state any factors or extenuating circumstances concerning the offense(s) to which you have admitted guilt.

When you plead "not guilty", you are entitled to a formal trial by the Court to establish the facts and you will be given a date and time for trial. When your case comes to trial, the burden of proof rests with the prosecution and the charge to be sustained by the Court must be proven beyond a reasonable doubt.

When you plead "no contest" or "nolo contendere", it means that you neither admit nor deny the charge, but you are not contesting it. A person who pleads no contest can be given the same sentence as if that person had entered a plea of "guilty".

I understand my rights and acknowledge that I am under no physical or mental impediment that impairs my ability to understand my rights. I also understand that in addition to any penalty that may be set by the court disposition of the case, the court may also impose costs to cover the cost of the proceedings.

Per CR.S. § 24-72-702. [Effective 8/8/2018] Sealing of arrest and criminal records other than convictions:

(1)(a)(I) Except as otherwise provided in subparagraphs (II) and (III) of this paragraph (a), any person in interest may petition the district court of the district in which any arrest and criminal records information pertaining to the person in interest is located for the sealing of all of the records, except basic identification information, if the records are a record of official actions involving a criminal offense for which the person in interest completed a diversion agreement pursuant to section 18-1.3-101, C.R.S., or was not charged and the statute of limitations for the offense for which the person was arrested that has the longest statute of limitations has run, or was not charged and the statute of limitations has not run but the person is no longer being investigated by law enforcement for commission of the

offense, or in any case which was completely dismissed, or in any case in which the person in interest was acquitted.

(II) Except as provided in subsection (1)(a)(III) of this section, arrest or criminal records information may not be sealed if:

(A) An offense is not charged due to a plea agreement in a separate case;

(B) A dismissal occurs as part of a plea agreement in a separate case in which a judgment of conviction has been entered; or

(C) The defendant still owes restitution, fines, court costs, late fees, or other fees ordered by the court in the case that is the subject of the petition to seal criminal records, unless the court that entered the order for restitution, fines, court costs, late fees, or other fees has vacated the order.

(III) A person in interest may petition the district court of the district in which any arrest and criminal records information pertaining to the person in interest is located for the sealing of all of said records, except basic identification information, if the records are records of official actions involving a case that was dismissed due to a plea agreement in a separate case, and if:

(A) The petition is filed ten years or more after the date of the final disposition of all criminal proceedings against the person in interest; and

(B) The person in interest has not been charged for a criminal offense in the ten years since the date of the final disposition of all criminal proceedings against the person in interest.

Per C.R.S. § 24-72-708

(1) Sealing of conviction records. (a) (I) A defendant may petition the district court of the district in which any conviction records pertaining to the defendant for a petty offense or municipal violation are located for the sealing of the conviction records, except basic identifying information, if:

(A) The petition is filed three or more years after the date of the final disposition of all criminal proceedings against the defendant or the release of the defendant from supervision concerning a criminal conviction, whichever is later; and

(B) The defendant has not been charged or convicted for a felony, misdemeanor, or misdemeanor traffic offense in the three or more years since the date of the final disposition of all criminal proceedings against him or her or the date of the defendant's release from supervision, whichever is later; and

(C) The conviction records to be sealed are not for a misdemeanor traffic offense committed either by a holder of a commercial learner's permit or a commercial driver's license, as defined in section 42-2-402, or by the operator of a commercial motor vehicle, as defined in section 42-2-402.

(II) Notwithstanding the provisions of subsection (1)(a)(I)(B) of this section, a defendant may petition the district court of the district in which any conviction records pertaining to the defendant for a municipal violation, except a municipal assault or battery offense in which the underlying factual basis involves domestic violence, as defined in section 18-6-800.3(1), or any other municipal violation in which the underlying factual basis involves domestic violence, as defined in section 18-6-800.3(1), or petty offense are located for the sealing of the conviction records, except basic identifying information, if:

(A) The defendant was convicted of a single offense that was not a felony and did not involve domestic violence as defined in section 18-6-800.3(1), unlawful sexual behavior as defined in section 16-22-102(9), or child abuse as defined in section 18-6-401 ;

(B) That offense occurred within three years of the date of the final disposition of all criminal proceedings against him or her related to the conviction that the defendant is seeking to have sealed or within three years of the date of the defendant's release from supervision related to the conviction that the defendant is seeking to have sealed, whichever is later; and

(C) The defendant has not been convicted for a felony, misdemeanor, or misdemeanor traffic offense in the ten or more years since the date of the final disposition of all criminal proceedings against him or her for the subsequent criminal case or in the ten or more years since the date of the defendant's release from supervision for the subsequent case, whichever is later.