

<p><b>Municipal Court in the Town of Berthoud, Counties of Larimer and Weld, State of Colorado</b></p> <p>Court Address: 807 Mountain Avenue; Berthoud, CO 80513</p> <p>Court Mailing: PO Box 1229; Berthoud, CO 80513      970.344.5801</p> <p><b>Town of Berthoud:</b></p> <p>v.</p> <p>Defendant(s):</p>	<p>▲ COURT USE ONLY ▲</p> <p>Case Number and/or Citation Number</p>
<p><b>ADVISEMENT PER C.R.S. § 16-7-207, C.M.C.R. 211</b></p>	

**It is very important that you read this carefully as these are the rights you have as a Defendant in this Court.**

- §1. The undersigned acknowledges that he or she is the defendant in this case and this is his/her name as stated above.
- §2. The following is a statement of the rights that the defendant has in this case:
- a. The defendant need make no statement, and any statement made can and may be used against him or her.
  - b. The defendant has a right to counsel.
  - c. If the defendant is an indigent person, he or she may make application for a court-appointed attorney, and upon payment of the application fee, he or she will be assigned counsel as provided by law or applicable rule of criminal procedure.
  - d. Any plea the defendant makes must be voluntary on his or her part and not the result of undue influence or coercion on the part of anyone.
  - e. The defendant has a right to bail, if the offense is bailable, and the amount of bail that has been set by the court.
  - f. The defendant has a right to a jury trial.
  - g. The nature of the charges against the defendant.
- Definitions
- Guilty:** a plea of guilty means that you admit the charge and do not wish to contest the charge. You may make a statement to the court, if you so desire, following the entry of guilty plea, but you are not required to do so.
- Not Guilty:** a plea of not guilty means that you wish to contest the charge and do not wish to convict yourself. A trial date will be set.
- No Contest:** a plea of no contest means you do not contest the charges and will be handled in most cases in the same manner as a guilty plea. This plea must be acceptable to the prosecution.
- §3. The court shall not accept a plea of guilty or nolo contendere (no contest) without first determining that the defendant is advised of all matters set forth in subsection (2) of this section and also determining:
- a. That the defendant understands the nature of the charge and the elements of the offense to which he or she is pleading and the effect of his or her plea.
  - b. That the plea is voluntary on defendant's part and is not the result of undue influence or coercion on the part of anyone;
  - c. That he or she understands the right to trial by jury;
  - d. That he or she understands the possible penalty or penalties and the possible places of incarceration;
  - e. That the defendant understands that the court will not be bound by any representations made to the defendant by anyone concerning the penalty to be imposed or the granting or the denial of probation, unless the representations are included in a formal plea agreement approved by the court and supported by the findings of the presentence report, if any; and
  - f. That there is a factual basis for the plea. If the plea is entered as a result of a plea agreement, the court shall explain to the defendant and satisfy itself that the defendant understands the basis for the plea agreement and the defendant may then waive the establishment of a factual basis for the particular charge to which he pleads guilty.
  - g. Absence of the Defendant. The court may accept, in the absence of the defendant, any plea entered in writing by the defendant or counsel or orally made by counsel.
- §4. Municipal Court in The Town of Berthoud, Counties of Larimer and Weld, State of Colorado Procedure
- a. You are presumed innocent;
  - b. Prosecution must prove all of the elements of all of the charges against you beyond a reasonable doubt;
  - c. You have the right to have your arraignment continued for good cause shown;
  - d. The maximum penalty which may be imposed by this Court is a \$2,650 fine and/or 1-year imprisonment;
  - e. You have the right to a speedy and public trial;
  - f. You can choose either a trial to the Court, which means to the Judge without Jury, or a Jury Trial. If you desire to have a jury, you must make a written demand for a trial by jury and pay a \$25.00 jury fee within 20 days after the date of the arraignment or entry of a plea of not guilty. The court may waive the jury fee if you are found to be indigent. The \$25.00 fee is refundable to you if you are found not guilty. You can choose a jury consisting of between three to six jurors. If no number is specified, you will be tried before a jury of three persons;
  - g. You have the right to cross-examine any witnesses called by the Town to testify against you;
  - h. You have the right to have witnesses subpoenaed by the Court to appear to testify at the trial. You need to give the Clerk of the Court five days' notice prior to trial if you desire to have witnesses subpoenaed;
  - i. You have the right to testify, or not to testify, on your own behalf. If you choose not to testify, that will be considered as evidence of guilt;
  - j. Any plea you make must be voluntary on your part and is not the result of undue influence or coercion on the part of anyone;
  - k. If you have been found guilty at trial, you have the right to appeal the decision to the District Court of Larimer County. The appeal must be filed within Thirty-five days of the date of sentencing by this court. If you are interested in the filing of an appeal, contact the Clerk of the Court for more information on this process.

**These are your rights before the Court. If you have any questions about them or about the charges against you, please ask the Court for an explanation.**

Date this day: \_\_\_\_\_ Month: \_\_\_\_\_ Year: \_\_\_\_\_ 19 \_\_\_\_\_

<p>_____</p> <p>Defendant's Printed Name</p>	<p>_____</p> <p>Defendant's Signature</p>
<p>_____</p> <p>Parent or Guardian Printed Name if Defendant is a Minor.</p>	<p>_____</p> <p>Parent or Guardian Signature if Defendant is a Minor.</p>