

ADVISEMENT OF RIGHTS
MINTURN MUNICIPAL COURT
Post Office Box 191, Minturn, CO 81645
Telephone Number: (970) 827-5645, extension 105

Case Number: _____

Date: _____

The Minturn Municipal Court is the judicial branch of the Minturn 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 Minturn.

In every case, there is a presumption of law that you are innocent of the charge 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 "nolo contendre" 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 (20) 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 five 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 "nolo contendre" or "no contest", it means that you neither admit nor deny the charge, but you are not contesting it. A person who pleads nolo contendre can be given the same sentence as if that person had entered a plea of "guilty".

I HAVE READ THIS FORM AND UNDERSTAND ITS CONTENTS:

Print Name

Sign Name

Mailing Address: _____

City/State/Zip Code: _____

Physical Address: _____

City/State/Zip Code: _____

5/1/09

Telephone Number: _____

5/1/09