

**IDAHO SPRINGS MUNICIPAL COURT**  
**YOUR RIGHTS AS A DEFENDANT IN THIS COURT**

As a defendant you are guaranteed the following rights to:

- I. Be presumed innocent until every element of the offense has been proven beyond a reasonable doubt.
- II. Be advised of the charge(s) against you and the maximum penalty which may be imposed upon a guilty or no contest plea, or a conviction after a trial.
- III. Hire an attorney to represent you in this court.
- IV. Request that the court appoint an attorney to represent you, if you are indigent and you are facing time in jail as a possible punishment
- V. A postponement for good reason such as your desire to seek legal assistance before entering a plea.
- VI. Make a statement or give an explanation to the judge following a guilty plea or conviction, before a penalty is imposed
- VII. A trial to the court (judge) or **FOR SOME CHARGES TO** a jury (of between 3 and 6 jurors). If you desire a trial before a jury, a written jury demand and jury deposit of \$25.00 must be received within **21** days after your not guilty plea has been entered. If you are indigent the \$25.00 deposit can be waived.
- VIII. Receive upon request, a list of prosecution witnesses and certain evidence prior to the time of trial.
- IX. Testify or not testify on your behalf. If you do testify any statement can be used against you. If you do not testify no one may assume you are guilty merely because you choose not to testify.
- X. Confront and cross-examine (ask questions of) any witness called to testify against you.
- XI. Present witnesses on your behalf and to have free subpoenas requiring attendance of witnesses you want to testify on your behalf.
- XII. Be released from custody while awaiting your trial, with or without the need to post bail as the judge determines.
- XIII. Appeal any judgment of this court to the District Court of Clear Creek County.

If you plead guilty it is the same as saying you did violate the law as charged and acts as a waiver of your right to trial.

If you plead not guilty you are asking that the charge(s) against you be proven at a formal trial before a judge or jury.