

|   |  |
|---|--|
| <b>County Court, Weld County, State of Colorado</b><br>Court Address: 901 9 <sup>th</sup> Avenue, Greeley, Colorado 80631<br>Mailing Address: PO Box 2038, Greeley, Colorado<br>Phone Number: (970) 351-7300                    | ▲ ▲<br><b>COURT USE ONLY</b>                             |
| <b>COUNTY COURT ADMINISTRATIVE ORDER NO. 07.03</b>  | <hr/>  |
|   | Case Number: <b>CCAO 07.03</b><br><br>Division: <b>6</b> |
| <b>ORDER ASSIGNING DUTIES TO THE CLERK OF THE COMBINED COURTS OF<br/>         THE 19<sup>TH</sup> JUDICIAL DISTRICT IN MISDEMEANOR TRAFFIC OFFENSE AND<br/>         TRAFFIC INFRACTION CASES AND APPROVING PENALTY SCHEDULE</b> |  |

**THE COURT CONCLUDES** as follows:

1. Colorado Rules for Traffic Infractions Rule 7(c) require, at the First Hearing, that if the defendant appears in person, “the referee shall advise him in open court” of his rights provided therein.
2. Colorado Rules for Traffic Infractions Rule 7(e) provides that, if the defendant admits guilt or liability, “the referee shall enter judgment and assess the appropriate penalty and a docket fee, after determining that the defendant understood the matters set forth in Rule 7(c) and has made a voluntary, knowing, and intelligent waiver of rights.”
3. If the defendant denies the allegations, the matters shall be set for Final Hearing and the defendant and officer shall be notified. Colorado Rules of Traffic Infractions Rule 7(f).
4. Procedural matters for Traffic Infraction First Hearings and Final Hearings heard by a magistrate shall be determined by statute, rules promulgated by the Colorado Supreme Court, and by local rules. C.R.S. §13-6-501(7).
5. The powers and duties of the clerk of the county court include such duties as may be assigned to the clerk by a county judge. C.R.S. §13-6-212(1).
6. Such duties may include:
  - a. advising defendants in criminal cases of their procedural and constitutional rights; C.R.S. §13-6-212(2)(b)
  - b. accepting pleas of not guilty in all criminal cases and setting dates for hearings or trials in such cases; C.R.S. §13-6-212(2)(c)
  - c. under the direction of a judge, granting continuances, setting motions for hearing and setting cases for trial; C.R.S. §13-6-212(2)(e); and

- d. with the consent of the defendant, accepting pleas of guilty and admissions of liability and imposing penalties pursuant to a schedule approved by the presiding judge in misdemeanor traffic and traffic infraction cases involving the regulation of vehicles and traffic for which the penalty specified in §42-4-1701 C.R.S. or elsewhere in Articles 2-4 of Title 42 C.R.S., in each case is less than \$300. C.R.S. §13-6-212(2)(f)

**THE COURT FINDS** as follows:

1. Justice requires the courts operate more efficiently in Traffic Infraction matters for violations of misdemeanor traffic and traffic infraction cases involving regulation of vehicles and traffic for which the penalty specified in §42-4-1701 C.R.S. or elsewhere in Articles 2, 3, and 4 of Title 42 C.R.S. in which less than \$300 may be assessed as a fine or civil penalty.
2. Efficient case management requires setting Final Hearings for such cases in an efficient and expedited manner.
3. The deputy clerks of the Weld County Court have the greater capacity to process such cases at the First Hearing and/or Arraignment than does a judicial officer, to advise the defendant of their procedural and constitutional rights, to accept pleas of not guilty and set dates for hearings, final hearings, or trials in such cases, and to accept guilty pleas and admissions of liability and imposing penalties pursuant to a fixed schedule.

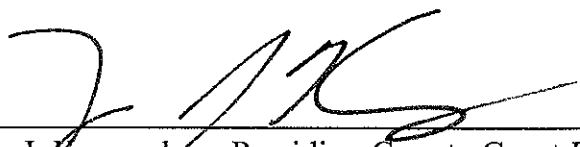
**IT IS THEREFORE ORDERED** as follows:

1. The Clerk of the Combined Courts of the 19<sup>th</sup> Judicial District, of the Weld County Court, and any deputy or assistant clerk thereof, is hereby **ASSIGNED AND AUTHORIZED**, in all misdemeanor traffic offenses, and traffic infraction cases involving the regulation of vehicles and traffic for which the penalty specified in §42-4-1701, C.R.S., or elsewhere in Articles 2, 3, and 4 of Title 42, C.R.S., with fines or penalty assessments of less than \$300, as follows:
  - a. to advise defendants of their procedural and constitutional rights, pursuant to Colorado Rules of Criminal Procedure Rule 5, and Rule 11, and Colorado Rules of Traffic Infractions Rule 7;
  - b. to accept pleas of not guilty or denials of liability in such cases, to grant continuances, and to set such cases for Final Hearings, hearings, or trial;
  - c. with the consent of the defendant, to accept pleas of guilty and admissions of liability and to impose penalties pursuant to a schedule approved herein.
2. The STANDARD PLEA BARGAIN FOR TRAFFIC INFRACTIONS attached hereto is hereby **APPROVED**.

3. The penalty schedule as set forth in C.R.S. §42-4-1701, as currently adopted, and as it may be amended from time to time, **IS HEREBY APPROVED** as the penalties to be imposed by the clerks hereunder.
4. Upon admissions of liability, the clerk **SHALL IMPOSE** the penalty, pursuant to the approved schedule, assigned to the originally charged traffic infraction.

**DATED AND EFFECTIVE: August 30, 2007**

BY THE COURT:

  
\_\_\_\_\_  
Lynn J. Karowsky – Presiding County Court Judge

CASE # \_\_\_\_\_  
 Count \_\_\_\_\_ SEAT/ TRAF \_\_\_\_\_ VACG \_\_\_\_\_ CRTI 19 FAM. \_\_\_\_\_ CSCF 5 BRAI \_\_\_\_\_  
 Count \_\_\_\_\_ SEAT/ TRAF \_\_\_\_\_ VACG \_\_\_\_\_ FAMF \_\_\_\_\_  
 Count \_\_\_\_\_ SEAT/ TRAF \_\_\_\_\_ VACG \_\_\_\_\_ FAMF \_\_\_\_\_

TOTAL \$ \_\_\_\_\_

**STANDARD PLEA BARGAINS FOR TRAFFIC INFRACTIONS**

The District Attorney's Office does not handle traffic infractions and are not available to talk to defendants and/or their attorneys at the first appearance. However, the District Attorney's Office makes standard plea offers on traffic infractions which the Court is authorized to accept. The standard plea offers are:

| Original Charge                          | Plea Offer   | Fines/Costs  |
|--|--|--|
| 6 points<br>Dismissing Ct _____<br>_____ | 4 points – Speeding 42-4-1101<br>(10 – 19 mph over limit)<br>Adding Ct _____ | The penalty assessed on your ticket, including a surcharge, docket fee, and \$1 fee as required by law |
| 4 points<br>Dismissing Ct _____<br>_____ | 2 points – Defective Vehicle<br>42-4-202<br>Adding Ct _____                  | The penalty assessed on your ticket, including a surcharge, docket fee, and \$1 fee as required by law |
| 3 points<br>Dismissing Ct _____<br>_____ | 1 point – Defective Headlight<br>42-4-202 (1)<br>Adding Ct _____             | The penalty assessed on your ticket, including a surcharge, docket fee, and \$1 fee as required by law |
| 2 points<br>Dismissing Ct _____<br>_____ | 1 point – Defective Headlight<br>42-4-202(1)<br>Adding Ct _____              | The penalty assessed on your ticket, including a surcharge, docket fee, and \$1 fee as required by law |

The District Attorney does not offer a plea offer on 0 or 1 point charges. The District Attorney does not offer deferred prosecution or deferred sentence on traffic infractions. For multiple offenses charged on the same ticket, the plea offer will be for the offense with the most points assessed.

The plea offer is available on the first appearance date or disposition hearing date only. Once the defendant enters a plea of not guilty and the case is set for a final hearing, the plea offer is no longer available.

**ADMISSION OF GUILT OR LIABILITY OR DENIAL**

I have read and understand the Advisement of Rights printed on the reverse side of the form. I hereby:

- Waive these rights and voluntarily admit my guilt or liability to the original or amended charge and consent that the plea may be received by a Deputy Clerk of the Court.
- Deny the allegations and request that the matter be set for final hearing.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Defendant's Signature

## **ADVISEMENT OF RIGHTS**

You have been accused of violating the traffic laws of the State of Colorado. A procedure is available for payment of fines, costs and surcharges if you voluntarily admit your guilt or liability after being advised of the following rights.

### **YOU HAVE THE RIGHT TO:**

1. Be represented by an attorney at your own expense;
2. Remain silent because any statement that you make may be used against you;
3. Deny the allegation against you and have a trial, at which time the allegations must be proven beyond a reasonable doubt;
4. Testify at your own choosing, subpoena witnesses, present evidence, and cross-examine witnesses for the State;
5. Appeal a judgment against you.

Any answer you make must be voluntary and not the result of undue influence, and you must understand that points may be assessed against your driving records if you admit guilty or liability.

**HABITUAL TRAFFIC OFFENDERS:** You should also be aware of the Habitual Traffic Offenders law. The result of being declared an Habitual Traffic Offender is a mandatory revocation of driving privileges in the State for a full 5 years. A person who drives while so revoked, commits a Class 6 felony, and may be sentenced to the Department of Corrections- the state penitentiary.

The 1<sup>st</sup> group of Habitual Traffic Offenders includes persons who have committed a very large number of traffic violations- 18 such violations- if those violations occur within 5 years of one another, and if each of those 18 violations involves 3 or less points.

The 2<sup>nd</sup> group of Habitual Traffic Offenders includes persons who have committed 10 traffic violations, if those violations occur within 5 years of one another, and if each of those 10 violations involved 4 or more points.

The 3<sup>rd</sup> group of Habitual Traffic Offenders is the most common, and includes persons who have just 3 convictions of certain serious, state, federal, or municipal traffic law offenses, if each of those 3 offenses occur on separate occasions within 7 years of one another.

### **PLEASE NOTE CAREFULLY**

Your failure to either sign the reverse side of this form and pay the fine and costs, or to appear when your case is set for final hearing, will result in a judgment against you. The judgment will be reported to the State Motor Vehicle Division, which may assess points against your driving record and delay your application for a driver's license until you have paid the court the full amount of the judgment against you. That judgment will include an additional \$30.00 fee.