

**Defendant's Name:** Desiree Marie Gonzalez**Case #:** 22CR3360

The law requires that persons arrested either with or without a warrant be brought without unnecessary delay to the nearest available judge. The purpose of bringing you before me is to explain the nature of the criminal charges that have been or may be brought against you, to inform you of your legal rights before the Court and to establish the amount of bail under which you may be released from custody.

Your legal rights are as follows:

You have the right to remain silent at all stages of the proceedings, including the proceedings today. Any statement you make can and may be used against you. You have the right to refuse to testify. If you refuse, neither the Judge nor the prosecutor can suggest that your silence means that you have anything to hide.

You are entitled to be represented by an attorney and to appear and defend yourself, in person and with an attorney, at all stages of the proceedings in your case. You have the right to a reasonable continuance to obtain the assistance of an attorney. If you desire the aid of an attorney and have no money or means to employ one, the Court will appoint an attorney from the Public Defender's Office to represent you. If this is your first appearance, bond will be set today. If you are being held for investigation of a felony matter, you will return to court within 5 business days for the receipt of charges. If you are appearing on a misdemeanor or traffic case, you will be given a date today to return to Court for your arraignment. If you remain in custody, a Public Defender will be available to represent you. If you post bond, you may represent yourself, hire private counsel, or apply to the Public Defender's office for representation.

Those of you who are in custody have a right to be admitted to bail. The Court will inform you this morning of the amount of bail and type of bond.

Any plea you make to the charges must be voluntary on your part and not the result of any undue influence or coercion on the part of anyone else.

You are entitled to have either a trial by the Court alone or a trial by a jury. You are presumed innocent of the charges and the State must prove your guilt beyond a reasonable to doubt before the Judge or jury can find you guilty. You are entitled to a speedy and public trial. At the trial, you have the right to confront the witnesses against you, to cross-examine them, and to require the appearances of witnesses on your behalf.

You are further advised that if you are charged with a criminal offense or have criminal charges pending against you, the Court is today issuing a Protective Order that shall remain in effect until final disposition of this action or further order to the Court. The Protective Order prohibits you from harassing, molesting, intimidating, retaliating against, or tampering with any witness to or victim of the acts charged or pending. Any violation of the order is punishable by contempt or possible additional criminal charges.

Additionally, if you are charged with an act of domestic violence wherein the alleged victim was your intimate partner and the Court finds from the Affidavit in support of your arrest that you are a credible threat to that person's safety, the Brady Law will apply to you and you will not be permitted to purchase or possess a firearm or ammunition while this case is pending. Furthermore, you will be ordered to relinquish all firearms and ammunition within your possession or control within 24 hours of your release. You will be provided with a written order further explaining this requirement. If you object to this finding, a Hearing can be set on the matter.

Those of you charged with a felony may have the right to a preliminary hearing. If you are charged with a felony, and the offense occurred after July 1, 1998, one of the following circumstances must exist to set your case for preliminary hearing:

1. You are charged with a felony and you remain in custody, or
2. You are charged with a Class 1, 2, or 3 felony or a class 1 or 2 drug felony (10/1/13), or
3. You are charged with a Class 4, 5, or 6 felony which either requires mandatory sentencing, is a crime of violence or a sexual offense

Those of you who are charged with a class 4, 5, or 6 felony or a class 3 or 4 drug felony, which does not require mandatory sentencing, is not a crime of violence or sexual offense, do not have the right to a preliminary hearing. Your case will be set for a dispositional hearing for the purpose of case evaluation and potential resolution.

A preliminary hearing is a determination by a Judge of whether probable cause exists to believe that the offense charged was committed and that it was committed by you.

Once charges are filed, your case will be set for a preliminary hearing demand date. If you remain in custody, you will not appear in court on that date. Your Public Defender will appear for you and set your preliminary hearing. You have the right to a hearing within 35 days of the demand date. If you post bond, the Public Defender cannot automatically be appointed to represent you. You will need to go to their office, apply for their representation, and appear at all scheduled court dates. If you apply for the Public Defender, your application is signed under oath and under the penalty of perjury.

For any of you who are serving in the United States Armed Forces or a veteran of the Armed Forces, you may be entitled to receive mental health treatment, substance abuse disorder treatment, or other services as a veteran. If you would like more information, please ask and more information can be provided.

If this is your first appearance in court and you have not been previously arrested for the offense, you are ordered to submit to fingerprinting and to collection of DNA. An order requiring you to report to the arresting law enforcement agency is now entered.

If charges are not filed within 90 days, or if all felony charges are dismissed or if you are acquitted of all felony charges, you may submit a written request for expungement of your DNA sample to the Colorado Bureau of Investigations. The DNA sample collected from you shall be destroyed and the results of the testing of the sample expunged from the Federal DNA Index System and any state DNA system if you qualify for expungement.

We will now take the cases one at a time. If you did not understand your rights or have any questions regarding your rights, please do not hesitate to ask. You will be given an additional explanation.

I acknowledge receipt of this Advisement

Defendant's Signature

Date 12/8/2022