

Boulder Municipal Court

Boulder County Justice Center
P.O. Box 8015
1777 6th Street
Boulder, CO 80306-8015
www.bouldercolorado.gov/court

TRIAL TO COURT PROCEDURES

This document summarizes this Court's procedures in non-jury trials. If you have questions about these matters, please ask them before your trial begins. You may, if necessary, ask the judge procedural questions during the trial, but the judge cannot give you legal advice.

1. If the city prosecutor has indicated that s/he may request a jail sentence and if your income is below federal poverty guidelines, then you may be eligible to have an attorney from the Legal Aid program appointed to defend you at no cost to you. If you wish to pursue this option, please ask court staff about beginning the referral process.
2. Before trial, you are entitled to review the statements of any witnesses that may testify against you at trial, and any exhibits that may be introduced at trial. This is called "discovery." Please contact the city prosecutor's office at 303-441-3025 to get "discovery."
3. Both sides may begin by making opening statements. The prosecutor goes first. You may then make an opening statement, or you may reserve your opening statement until after the prosecution has rested. Neither side is required to make an opening statement, and the parties frequently waive, or give up, their right to make an opening statement. An opening statement is not evidence and should not be an argument about why you believe you are not guilty; it should be a brief outline of what you think the evidence will show.
4. The City will then present its evidence by eliciting testimony through witnesses and perhaps by also offering exhibits. You may object to the prosecutor's questions if you believe the questions violate the Colorado Rules of Evidence. One common objection is to hearsay, an out-of-court statement made by a witness who is not present for trial.
5. After each witness has answered all the prosecutor's questions, you may cross-examine that witness. In cross-examination, you may ask leading questions. You must ask only questions that are relevant to matters the witness testified about. You may not tell your side of the case during cross-examination.
6. When the prosecutor has finished presenting evidence, he or she will announce that the prosecution is "resting" its case. At that point you may simply rest; you need not present any evidence whatsoever because the burden of proof always remains with the prosecution. The only exception to this rule is when you raise a "specific defense" or an "affirmative defense." If you are relying on one of the specific defenses set forth in the Boulder Municipal Code, you have the burden of proving it.
7. If you wish to present evidence, you may give an opening statement if you did not do so earlier. You would then begin to present any evidence you wish to present about the incident(s) involved. You may call witnesses on your behalf and question them

about the incident involved. Once you have finished asking questions of a witness, the prosecutor may cross-examine that witness. Do not assume that the prosecutor will call all of her potential witnesses, or that your witnesses will appear for court voluntarily. If you want testimony from a police officer or citizen witness, you should subpoena that person.

8. If you decide to present evidence, you may decide that you want to testify on your own behalf. You have no obligation to testify and if you elect not to, the Court cannot consider your silence as evidence of guilt. If you choose to testify the judge is required to conduct a brief conversation with you to make sure you are voluntarily waiving your right to remain silent. If you choose to testify, you should give your testimony in narrative form – just tell the judge in your own words what you would like the Court to consider. When you are done, the prosecutor may cross-examine you, just like any other witness.
9. If you decide to present evidence, you may decide that you want to offer certain exhibits, such as photographs or diagrams, into evidence. In this Court prosecution exhibits are numbered consecutively beginning with “1” and defense exhibits are labeled consecutively beginning with “A.” You are required to show your evidence to the prosecutor before the trial begins. If your evidence was not prepared by you – for instance, if you did not take the photographs or draw the diagrams – you will need to have the person who prepared the evidence testify, or it may be excluded.
10. After you have presented all your evidence and “rested” your case, the prosecutor may present rebuttal evidence in an attempt to show the evidence you presented was inaccurate. After he or she is finished, you may present surrebuttal evidence in an attempt to show the prosecutor’s rebuttal evidence was inaccurate. After that, the evidence in the case is closed.
11. Both parties may present a closing argument, with the prosecutor going first. You may respond by making a closing argument. The prosecutor attorney will be allowed to make a brief rebuttal argument after you are finished because the prosecution has the burden of proof. Statements you make during closing argument are not evidence, so if there are facts you want the Court to consider, be sure to offer testimony or exhibits that tend to establish those facts. Closing argument is when you sum up the evidence, and argue the relevant law as it applies to the facts of the case. You may not comment on anything that has not been properly introduced as evidence, such as your driving record.
12. The judge will make his or her decision based upon the evidence properly presented during the trial. Usually, the judge will decide the case right away. Occasionally, the judge will take the case “under advisement,” which means he or she will decide the case at a later time, often in written form. If the judge finds you guilty, the judge will decide what sentence, or punishment, to impose. Both sides will have the chance to tell the Court any additional information not brought out at trial before the judge imposes a fine or sentence.
13. If you are found guilty, you have the right to appeal your case. You must file your appeal in the Boulder District Court within 30 days of the date the court decided your case. If requested, court staff can provide you with paperwork that you can use to initiate your appeal. There are additional costs associated with bringing an appeal.

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You will be given these questions in court on the day of your trial. Please be prepared to answer these questions in writing on your court date.

1. Do you understand that you have the right to be represented by counsel throughout these proceedings?
2. Do you understand that the court will appoint an attorney to represent you at no charge if (1) you cannot afford an attorney (as determined by Colorado Supreme Court income guidelines), and (2) the prosecution indicates it will or may seek a jail sentence?
3. Do you understand the charge against you is _____, and it carries a maximum possible penalty of _____?
4. Do you have any legal training? If yes, please describe.
5. How far have you gone in school?
6. Are you under the influence of any drug, medication, or alcohol that would affect your understanding of these proceedings?
7. Do you understand criminal law is a complicated area, and that an attorney trained in this field could be of help in preparing and representing your defense?
8. Do you understand that you have a right to remain silent and that anything you say can be used against you in court?
9. Do you understand you have a right to confront the witnesses against you and cross-examine them?
10. Do you understand you have a right to have witnesses you choose compelled to appear and testify in your behalf?
11. Do you understand that while you have the right to represent yourself, by doing so, you take a risk of not properly presenting your case?
12. Do you wish to consult with an attorney of your choice before you make the decision to represent yourself?