

IN THE MUNICIPAL COURT IN AND FOR THE CITY OF BRIGHTON AND THE STATE  
OF COLORADO

**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.

These guidelines were prepared to assist in the proper order of trials and may be used by a defendant appearing in Court for trial without the benefit of legal counsel. **These instructions are not meant to be legal advice.** If you have legal questions, you must contact a Colorado licensed attorney.

Prior to Court

Note to JUVENILE DEFENDANTS: Your parent/guardian may sit with you and assist you in presenting your case, but your parent/guardian may not act as your lawyer. You must present your own case.

If the City Attorney has indicated that he/she may request a jail sentence **and** if your income is below Federal poverty guidelines, then you may be eligible to have an attorney appointed to you at no cost. If you wish to pursue this option, please ask the court staff.

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". Attached you will find a discovery request form that you may complete and present to the court.

Day of Court

When the Judge enters the courtroom, you must stand. No talking is allowed except for necessary Court business while Court is in session.

When your case is called, you will need to step forward to the podium and indicate if you are ready for trial. If you are not ready for trial, state that you are not and explain why.

Once you have announced that you are ready to proceed you will take a seat at the defense table which is on your left as you are facing the Judge. If you are a juvenile, the Court may allow another person such as your mother or father to sit with you at the table if you request.

After the Judge is satisfied that the People and the defendant are ready, the trial will begin. Until called for testimony, all witnesses must remain in the spectator portion of the courtroom unless otherwise directed by the Court.

The trial will be conducted in the order set forth below:

1. 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.

2. The rules of evidence apply to all cases and will be followed by the Court. The City Attorney presents his/her case by calling his/her witnesses. This is called direct examination. If you feel that any question is improper, or violates the Colorado Rules of Evidence, you may object. The Court will either sustain (grant) the motion or overrule (deny) the motion. Once ruled upon by the Judge, the parties are required to follow the Court's decision.

Neither the City Attorney nor you, the defendant, should lead the witness in his or her testimony, but should let the witness answer the questions asked. If the City Attorney objects to a question, you may respond to the objection. The witness must wait until the Judge rules on the objection to answer the question.

3. After the City Attorney has completed questioning the witnesses, you may ask questions of those witnesses. This is called cross examination. Any question pertaining to the direct examination may be asked subject to the Court's ruling on any objections. **You are not allowed to argue with the witness or comment on his answers at this time.** Argument on the evidence takes place later.

4. When the City Attorney has completed presentation of the People's case, he/she will indicate that it is finished by stating "The City rests."

5. If you feel that the People have failed to prove the case, he/she may move for a dismissal at this time. The Court will rule on this motion.

6. You may then present your case. An opening statement may be made at this time if you did not do so earlier.

7. You will then call your witnesses to testify about the incident involved. The City Attorney may cross examine each of those witnesses just as you had the opportunity to cross examine each of the City's witnesses. Do not assume that the prosecutor will call all of his/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 according to the Colorado Rules of Evidence. (copy of subpoena is attached)

8. You are not obligated by law to testify, but if you chose to, you are subject to cross examination by the City Attorney. Also, if you have a felony on your criminal record, the City Attorney may bring that up only for the purposes of establishing credibility. If you choose not to testify, the Judge cannot use that against you. Any statement you make may be used against you in this trial or in a subsequent civil trial.

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 number 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. When you complete your case, you should announce "The Defense rests."

11. Both parties may call rebuttal witnesses to refute any testimony or evidence the other side has presented. This is done by either recalling a witness or calling a new witness to testify.

12. The case is then closed for evidence. No further testimony may be presented by either side.

12. The City Attorney then makes his/her closing argument. This statement is not evidence, but is merely a comment or summation of the evidence produced during the trial and/or the law as it may apply to the evidence and the possible guilt of the defendant.

13. You are allowed to make a closing argument. This statement is not evidence, but is merely a comment on or summation of the evidence produced during the trial and/or the law as it may apply to the evidence and your possible innocence. Argument must be based on the factual information that was presented at trial during the evidence and testimony portion. **New facts may not be brought up during the closing argument.**

14. Since the People have the burden of proving this case beyond a reasonable doubt, the City Attorney may then make a rebuttal argument. This statement is allowed for purposes of refuting comments made by you. **No further argument is allowed.**

15. The Judge will then announce his findings. If the defendant is found Guilty, the Judge will then impose his or her sentence on the defendant. If the defendant is found Not Guilty, the case will be closed and any bond posted in the case will be released.

16. If you are found guilty, you have the right to appeal your case. You must file your appeal in the Adams County Court with 35 days of the date the court decided your case. There are additional costs associated with bringing an appeal.