

PRO SE GUIDELINES (NON-REPRESENTED DEFENDANTS) – COURT TRIAL

Pre-Trial Matters:

PLEASE BE ADVISED: IF YOU CHOOSE TO REPRESENT YOURSELF YOU WILL BE HELD TO THE SAME STANDARDS AS AN ATTORNEY WITH REGARD TO EVIDENTIARY AND PROCEDURAL MATTERS.

Discovery

You have the right to have copies of anything related to your case that is in the control of the City Attorney's office. You will need your next court date and case number to request discovery. To request your discovery, go to room 410 of the Municipal Court Building, use <https://coloradosprings.gov/city-attorney-chief-legal-officer/webform/request-discovery>, or use this QR code.



Subpoenas

The Court will issue subpoenas (court orders) for witnesses to appear and testify at the time of trial at no expense to you. You are required to provide the names and addresses of those witnesses at least 4 weeks before trial. Go to room 108 of the Municipal Courthouse for assistance.

Subpoenas Duces Tecum

You may ask the Court to issue a *subpoena duces tecum*, which is a court order for a person to provide certain documents or things at the time of trial. You must submit your request for this information at least 4 weeks before trial. Go to room 108 of the Municipal Courthouse for assistance.

Exhibits

IF YOU NEED ASSISTANCE WITH ADMITTING ELECTRONIC EVIDENCE (SMART PHONES PICTURES, THUMB DRIVES, CD/DVD'S) YOU MUST CONTACT THE COURT AT LEAST TWO WEEKS PRIOR TO YOUR TRIAL DATE for that assistance. Call 385-5928. Before court, if you have any pictures or drawings or any other evidence you want to show at the trial, you need to give them to the court clerk before the Judge comes in so your exhibits can be marked and then show them to the prosecutor. During the trial, if you want to refer to your exhibits and have the Judge consider them in the evidence, you will ask the Judge to admit them as evidence. The Prosecutor may argue whether they are admissible, but it will be up to the Judge to decide if they can be considered. **ANY EXHIBITS ENTERED INTO EVIDENCE, TO INCLUDE AN ELECTRONIC DEVICE, WILL BE HELD BY THE COURT FOR 35 DAYS FOR APPELLATE PURPOSES.**

Trial Matters

Courtroom Decorum

Court begins when the Judge comes in. The Clerk says, "Please rise. Division ... is now in session. The Honorable ... presiding." Address the Court as "Your Honor" or "Judge". Do not interrupt others when they are speaking. Please stand when addressing the Court or witnesses. Do not argue with witnesses. The only evidence the Court can consider is from witnesses under oath and properly admitted evidence. This is a Court of Record and therefore all proceedings are recorded; please answer aloud and speak clearly. Be respectful to everyone.

Preliminaries

When it is your turn for trial, the Judge will call your case and ask you to sit at the Defense table. The Judge will make some preliminary statements and give you a general overview of how the trial will proceed.

Opening Statements

The Judge will ask the Prosecutor, who is a City Attorney if he or she wishes to make an **Opening Statement**. The Prosecutor's Opening Statement will explain what the charge is and how prosecution evidence will support that charge. The Judge will then ask if you, the Defendant, wish to make an **Opening Statement**. Please note that an opening statement is NOT testimony or evidence that can be considered in the Judge's decision. It just gives you an opportunity to generally state what you think the evidence will or will not establish/show. Often, both parties waive opening statements.

Burden of Proof Reasonable Doubt

It is the duty of the Prosecutor to prove beyond a reasonable doubt that you are guilty. This is called the burden of proof. It means that you are innocent unless proven guilty and this assumption will remain unless the Prosecutor shows, by sworn testimony, written documents, drawings, or photographs, that you are guilty beyond a reasonable doubt. Because the Prosecutor has the burden to prove the charges against you beyond a reasonable doubt the Prosecution goes first and last throughout the trial. Defendants have the Constitutional right NOT to do or say anything during their trial.

Prosecution's Case:

Because the Prosecutor has the burden of proof, their evidence will be presented first. Evidence is testimony and/or documents, drawings, or photographs which support the charges against you.

Direct-Examination

The Prosecutor will ask the witness(es) to be sworn, testify, make diagrams, etc. The Prosecutor will ask each witness questions about what happened and what they saw. This is called **Direct-Examination**.

Cross-Examination

After the Prosecution finishes questioning each witness, the Judge will allow you to question the witness regarding their testimony. This is called **Cross-Examination**. Everything you say to the witness must be in the form of a question. Remember to stand up and come to the podium when you question the witness and when you say or ask anything of the Court.

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Redirect Examination	After you have finished questioning the witness, the Prosecutor has another chance to ask the witness questions. This is called Redirect . If the Redirect brings up some new matters, you will have the opportunity to question the witness about these new items. The Judge may also ask questions of the witnesses; you and the prosecutor will have the opportunity to explore any new material the Judge's questions may bring up. When the Prosecutor has no more witnesses to call or evidence to present s/he will say, "The City rests."
Curtis Advisement Cross-Examination	The Judge will give you a Curtis Advisement which advises you of your right to remain silent and the possible consequences of your testimony. You will then have an opportunity to testify under oath and tell your side if you choose to testify. Remember that the Prosecutor will then Cross-Examine you and anything you say may be used against you. After your cross examination, you can testify to anything more you may have to say about what happened.
<u>Defendant's Case:</u> Direct Examination Cross Examination	After the Prosecution's case is complete, you do not have to say or do anything. The burden of proof and presumption of innocence still apply, whether you present a case or not. However, should you choose to present a case, it will then be your turn to call your own witnesses and ask them questions. Everything you say to a witness must be in the form of a question. This is called Defendant's Direct-Examination . The Prosecutor will have an opportunity to Cross-Examine your witness(es).
Redirect Examination	After the prosecutor completes their questioning of your witnesses, you may ask your witness more questions in Redirect .
Rebuttal	Because the burden of proof is on the Prosecution, after the Defendant presents their case, the Prosecution may call witnesses to rebut the Defendant's case.
Closing Arguments	After all the testimony, the Judge will ask if the Prosecutor wants to make a Closing Argument to summarize all evidence. The Prosecutor will give reasons for the Judge to find you guilty. After the Prosecutor has made Closing Arguments , then you can make your Closing Argument which sums up your reasons, based on the evidence, for the Judge to acquit you. This is not a time for new evidence.
Finding & Verdict	After the closing arguments, the Judge will recap the charge, the evidence and testimony of all witnesses. The Judge will render a Verdict which means he will decide whether you are guilty or not guilty.
Sentencing	If you are found guilty, the Judge will review the available record and ask you and the Prosecutor if either of you have anything to say about sentencing. The Judge may sentence you on the trial date or he may hold over sentencing for another date. Once this occurs your trial is over.
Sealing of Records	The Court provided you with information on the process to have your records sealed at your arraignment. For further information, please visit the following website: www.court.state.co.us .
Appeal	If you do not agree with the Judge's decision, you have the right to appeal that decision in District Court. You have only 35 days to file all appropriate documents/paperwork. Documents and docket fees will need to be filed and paid/requested to be waived in both District and Municipal Court. GO TO ROOM 108 OF THE MUNICIPAL COURT FOR ASSISTANCE or https://coloradosprings.gov/municipal-court/page/municipal-court-appeals?mlid=10086 .
Perjury/Contempt	All testimony under oath shall be the truth, the whole truth, and nothing but the truth. Any deviation from the truth or fabrication of the events while under oath may result in a felony charge or perjury for all parties. If during the trial any party acts in such a way that affects the dignity of the tribunal (e.g., course language, inappropriate behavior, interrupting the Judge, etc.) the Court may hold that party in Contempt of Court and sentence the offending party accordingly to include up to 189 days in jail and/or a fine up to \$2,500.
Continuance	A request to continue or change your trial date must be in writing. Use the QR Code and/or go to room 108 for assistance.

