

## Speeding Tickets in Colorado

As a public service, the court is providing information about speeding tickets.

If you have been written into this court for speeding, this is the wording of the city ordinance you have been charged with violating:

### **10.5.104: EXCEEDING POSTED SPEED LIMIT:**

It shall be unlawful for any person to drive any vehicle:

- A. One to four (4) miles per hour over the posted speed limit;
- B. Five (5) to nine (9) miles per hour over the posted speed limit;
- C. Ten (10) to nineteen (19) miles per hour over the maximum posted speed limit;
- D. Twenty (20) to thirty nine (39) miles per hour over the posted limit;
- E. Forty (40) miles per hour or more over the maximum posted speed limit.

(Ord. 98-249; Ord. 00-112; Ord. 01-42)

Strict Liability: traffic offenses are strict liability crimes. This means that one's intent is irrelevant. A person's lack of intent to commit a particular offense is not a defense to a strict liability violation. All that matters is that the elements (eg: "**defendant drove a vehicle Five (5) to nine (9) miles per hour over the posted speed limit" in Colorado Springs**) occurred.

Radar: With a radar speeding ticket the only issue for the court to decide is the speed of the vehicle. The fact that one did not intend to speed, had a broken speedometer, or oversized tires, is not a defense to speeding. Again, speeding is a strict liability offense.

An officer writing a speeding ticket based on a radar calculation of speed does not need to be an expert in explaining Doppler effect radar and the underlying scientific principles of radar devices. It is legally sufficient that an officer is simply trained in the use of radar devices and that s/he properly checked the calibration of the radar device. The Supreme Court of Colorado came to this conclusion back in 1980 when deciding the case of **People v. Walker**, 199 Colo. 475, 610 P.2d 496 (1980).

The Colorado Supreme Court concluded that a tuning fork test is sufficient to check the calibration of a radar device. When tuning forks are used to check the calibration of a radar device, the Court held that the prosecution could show either: that two tuning forks have been used, or, alternately, that a single tuning fork which was certified as accurate within one year of the test was used. Upon either showing, the court may admit the radar evidence.

As such, under Colorado law, materials which can be requested, such as the officer's radar training certificates; the tuning forks used to calibrate the radar unit and their calibration certificates; the radar unit that was used; quarterly/annual/inspection/calibration/maintenance/repair/service records; the list of models, makes and serial numbers of all radar units being used by that agency; etc, are generally considered hearsay and, under *People v. Walker*, are of questionable value in defending a speeding case. This is because radar evidence is generally admitted if it is shown that: 1) the officer has been trained in the use of radar equipment and 2) that the equipment's calibration was properly checked using an appropriate test. The oral testimony of the officer is sufficient to meet these requirements.