

## What you need to know

- If you schedule a trial to the court, any plea offer that has been extended on the case will remain open until one (1) week prior to trial. If you wish to accept the offer which was made to you at your arraignment, you must notify the court clerk within that week. Your appearance in court will still be required (to waive your right to trial on the record, but can be set for an earlier time. If you do not inform the court clerk of your desire to accept the plea bargain within that time, you will be required to either plead to the original violation or proceed to trial on the original violation on the date set for trial.
- Once a trial to the court is scheduled, no continuances will be granted, except upon showing of medical or other emergency or within the discretion of the court.
- It is your responsibility to ensure that all the witnesses you would like to appear have been issued a subpoena. The court will provide blank subpoenas but it is your responsibility to have them served. For additional information you should seek legal advice. The Municipal Court will only issue and serve subpoenas to the witnesses the Prosecuting Attorney would like to appear.

Superior Municipal Court  
**Town of Superior**  
124 E. Coal Creek Drive  
Superior, CO 80027  
303.499.3675

# Superior Municipal Court Trial Procedures



## Trial Procedures

This brochure was prepared for the orderly administration of trials and may be used by a defendant appearing in the Municipal Court for trial without 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.

- When the Judge enters the courtroom, rise. No talking is allowed except for necessary Court business while court is in session.
- When your case is called, step forward and indicate that you are ready for trial, if you are not ready for trial, state so and explain why.
- Take a place at the defendant's table. The Court may upon request allow another person (mother or father) to sit with you at the table. Until called for testimony all witnesses must remain in the spectator portion of the courtroom unless otherwise directed by the Court.
- After the Judge is satisfied that the People and the defendant are ready, trial will begin. The order of the trial is set below.
- The Prosecuting Attorney has the right to make an opening statement. This statement is not evidence but is simply a summary of what the people intend to prove by their evidence. It is given merely to assist the Judge in following the sequence of what and progression of the People's case. The Prosecutor may waive his opening statement.
- Next, the defendant may make an opening statement, which is designed to serve the same purpose for the defendant as the Town's opening statement does for them. Defendants may reserve their opening statement until just before they begin their case. Some defendants make no opening statement.
- The rules of evidence apply to all cases and will be followed by the Court. The Prosecuting Attorney presents his case by calling witnesses (direct examination). If the defendant feels that any question is irrelevant (i.e. doesn't apply to the issue), incompetent (i.e. the person or exhibit is not properly qualified for testimony), or immaterial (i.e. it is not an issue in this case), he may object. The Court will either sustain (grant) the motion to overrule (deny) the motion. Once ruled upon the parties must abide by the Court's ruling on the objection.
- After the Prosecuting Attorney has completed questioning the witness, the defendant may ask questions of that witness (cross-examination). Any questions pertaining to the direct-examination may be asked, subject to the Court's ruling on objections. The defendant is not allowed to argue with the witness not to comment on his answers at this time. Argument on the evidence takes place later.
- When the Prosecuting Attorney has completed presentation of the People's case, he will so indicate by stating, "The Town rests."
- If the defendant feels that the People have failed to establish a prima facie (i.e. adequate as it appears) case, he may move for a dismissal at the time. The Court will rule on the motion.
- The defendant then presents his case. An opening statement may be made or waived as the defendant chooses.
- The defendant calls his witness. Each witness, including the defendant, should be asked to state his name and address before testifying.
- Neither the Prosecuting Attorney nor the defendant should lead the witness in his testimony but should let the witness answer the questions asked.
- The Prosecuting Attorney may cross-examine each defense witness.
- The defendant is not obligated by law to testify but if he does, he is subject to cross examination by the Prosecuting Attorney. Any statement the defendant makes may be used against him in this trial or in subsequent civil trial.
- When the defendant completes his case, he announces, "The Defense rests."
- Both parties may call rebuttal witnesses to refute any testimony or evidence the defendant has presented.
- The case is then closed for evidence. No further testimony may be presented by either side.
- The Prosecuting Attorney then may make closing argument. This statement is not evidence but is merely a comment on the evidence produced during the trial, the law as it may apply to the evidence and the possible guilt of the defendant.
- The defendant is allowed to make closing arguments. This statement is not evidence but merely a comment on the evidence produced during the trial, the law as it may apply to the evidence and the possible innocence of the defendant.
- Since the People have the burden of providing this case beyond a reasonable doubt, the Prosecuting Attorney may then make a rebuttal argument. This statement is allowed for purposes of refuting comments made by the defendant. No further argument is allowed.

