Aurora Municipal Court INFORMATION FOR PRO SE DEFENDANTS TRIAL TO JURY

If you choose to represent yourself in your trial, you are giving up your right to be represented by a lawyer. You must comply with the Colorado Rules of Evidence and the Rules of Criminal Procedure.

For your assistance in your trial, here is an outline of trial procedure:

- 1. Your case will be called and you will be asked if you are ready for trial and whether you are choosing to represent yourself.
- 2. A jury will be selected; the Judge will ask questions of the jurors in order to determine whether they can be fair and impartial. You will then be asked whether you have any legal challenges to any jurors. You will then strike three jurors off the master list, alternatively with the city prosecutor. The Judge will explain this procedure to you.
- 3. The prosecution and you will be asked for an Opening Statement this is a preview of the evidence. It is not evidence itself, and it is not the time to argue your case. Opening Statements are optional.
- 4. The City will call its witnesses. You may cross-examine the witnesses. Cross-examination means you may ask questions of the witnesses.
- 5. When the City finishes its case, you may present your case, although you have no obligation to present any evidence, as the City must prove your guilt beyond a reasonable doubt. You have the right to testify or not to testify. If you do, you will be cross-examined by the City Attorney. If you have any felony convictions on your record, the City Attorney may ask you about that. You have the right not to testify; if you so choose, the jury will be told they cannot, by law, infer guilt based on your decision not to testify.
- 6. You may call witnesses. If so, you must ask them questions. The City Attorney may cross-examine your witnesses. If you have any documents or photographs to present into evidence, tell the Judge before trial so that he/she can explain how to present that information to the jury.
- 7. The City may then call rebuttal witnesses; again, you may cross-examine if you wish.
- 8. The Judge will provide jury instructions, which you may review. These will be read to the jury. If you object to any or do not understand, tell the Judge.
- 9. Each side may then make a closing argument. This is where you may argue your case. Your argument must be based on the <u>evidence presented</u> at trial. The City Attorney may make a rebuttal argument after yours. The jury will then decide the case.

IF YOU HAVE QUESTIONS about trial procedure, ask the Judge. While the Judge may not act as your lawyer or help you present your case, he/she will answer any procedural questions you may have.

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.

Aurora Municipal Court INFORMATION FOR PRO SE DEFENDANTS TRIAL TO COURT

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- 6. The City may then call rebuttal witnesses; again you may cross-examine if you wish.
- 7. Each side may then make a closing argument. This is where you may argue your case. Your argument must be based on the <u>evidence presented</u> at trial. The City Attorney may make a rebuttal argument after yours. The Judge will then decide the case.

IF YOU HAVE QUESTIONS about trial procedure, ask the Judge. While the Judge may not act as your lawyer or help you present your case, he/she will answer any procedural questions you may have.

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^ COURT USE ONLY ^
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Summons No.

THE COURT DOES FIND:

- 1. Jury trials need to start as early as possible to avoid inconvenience to citizen jurors, witnesses and parties
- 2. Due process requires all parties to have prior notice of motions, and
- 3. The judicial administration of court time is best served by an orderly schedule for motions

THEREFORE, it is ORDERED pursuant to C.M.C.R. 212 that in every case set for jury trial:

- 1. Any motion requiring an evidentiary hearing, except motions that the Court lacks jurisdiction or the complaint fails to charge an offense, shall be in writing and be filed with the Court not less than thirty (30) calendar days before the scheduled trial date. Any such motion shall be served on the opposing party contemporaneously with the motion being filed with the Court.
- 2. The moving party shall set a hearing on the motion for a date not less than twenty (20) calendar days before the scheduled date of trial.
- 3. The opposing party may file a reply not less than five (5) days prior to the hearing date with a copy served contemporaneously on the moving party.
- 4. Service of the documents shall be made pursuant to C.M.C.R. 249.
- 5. Failure to present a motion pursuant to this order constitutes a waiver.
- 6. The Court may for good cause shown grant relief from said waiver.
- 7. If the judge determines that a hearing is not necessary, the court may rule on the motion without the necessity of a hearing, mailing the order to the parties prior to the date of the hearing and vacating the hearing.

one in Court		
	Shawn Day – Presiding Judge	

INFORMATION FOR DEFENDANTS NOT APPOINTED A PUBLIC DEFENDER

In answer to some frequently asked questions, please read the following information:

As either you have elected to represent yourself or you did not qualify for a public defender based upon the state guidelines, you may hire an attorney to represent you at trial, or you can represent yourself. In order to assist you, attached is a list of attorneys who may agree to handle your case for a reduced fee or on an installation payment basis. You can use that list or any other source for representation.

If you represent yourself, please read the attached explanation of the court proceedings, prior to trial. Attached also is an order informing you of the pre-trial procedures for motions. Please read it and follow those instructions.

Additionally, if you have witnesses, you should have them subpoenaed. A subpoena is a court order requiring their attendance. The clerks have subpoenas which are free of charge. Subpoenas must be served by a person age 18 or older, who is not connected to your case, by hand-delivering the subpoena to your witness(s) and confirming service by filling out the "proof of service" on the original subpoena. You must bring the "proof of service" with you to court.

You may discover information held by the prosecution pursuant to Supreme Court rules of discovery (see Colorado Municipal Court rules of Procedure, Rule 216). However, the City Attorney will allow you to review the City Attorney's file and copy any information contained therein. You must report to the City Attorney's office on the second floor to make arrangements to do this.

This is not a full advisement of your rights. If you have any other questions, please ask the judge. In that regard, please note that we have a Walk-In Court open every day at 1:30 pm. The Judge in that courtroom can answer any questions you have in regard to this information and the procedure to reapply for the Public Defender if your financial situation has changed since your original application.

Please understand that if you do not hire an attorney or otherwise qualify for a Public Defender, you will have to represent yourself, whereby you will be held to the same rules of procedure and evidence as if you were represented by an attorney. The Judge can only assist you with procedural questions, he/she cannot help you present your case, decide legal strategy, ask questions of witnesses for you, raise objections for you, or in any way interfere with your self-representation. Further, if convicted, you could be sentenced up to a \$2,650 fine and/or up to 1 year in jail.

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