

QUESTION AND ANSWERS

May I call the Court for legal advice?

The Court staff cannot give you legal advice of any kind.

How do I request a change in my court date?

The Court may, in its discretion, allow one continuance of your scheduled court date. This request must be done in writing by contacting the Court Clerk at courtclerk@cityofsalida.com.

How long will my court appearance take?

Your first court appearance, called an arraignment, should last between two to three hours. In this session, the Judge will advise you of your rights and the court process. Please arrive in a timely manner as it is important for you to go through the check-in procedure and hear the advisement given prior to the actual start of Court.

If my charge is Failure to Provide Proof of Insurance?

If you have been charged with failure to provide proof of insurance, you should bring proof of insurance with you to court, even if you obtained insurance after the date of your ticket (in which case your fine can be halved).

As a convenience, if your insurance was in effect at the time the summons was issued, and that was the only charge issued to you, the compulsory insurance charge may be resolved in the office of the Municipal Clerk before the scheduled court date. You can bring proof of insurance to the office of the Municipal Clerk. Upon verification that you had valid insurance on the date of the violation, a notice of dismissal will be sent to you pending a decision by the judge.

If you come to the office of the Municipal Clerk with your proof of insurance, but also have additional charge(s) for which fines have been assessed, (as long as these charges do not involve an accident or injuries in which case restitution issues must be considered), you may choose to sign a Waiver and Guilty Plea form waiving your rights including your right to trial. You will pay the fine, costs and surcharges, and thereby close your case. Your conviction and points assessed will be sent into the Colorado Department of Motor Vehicles.

I wish to contest the Charges against me?

You must appear in Court. You may enter a plea of Not Guilty and ask for a trial. The trial process is such that you do not have to prove you are innocent, rather the People (represented by the City Prosecutor) must prove you are guilty beyond a reasonable doubt. The Judge will explain more about these options in Court.

What happens when I appear in Court?

In Court, you may enter a plea of Not Guilty and ask for a trial. This requires the People to prove you guilty beyond a reasonable doubt, and gives you opportunity to present your case (although you have the right to remain silent). The next steps for your court appearances will be determined in Court. The Judge will ask if you request a Trial by Judge, or if your case is eligible a Trial by Jury, in which you may determine whether you wish a jury of 3 to 6 people.

Do I need to bring an attorney?

You have the right to hire an attorney to represent you in your case. You are not required to hire an attorney and can represent yourself if you so choose. For certain offenses, and upon a finding of Indigency, the Court can appoint an attorney to represent you at all phases of your case.

What is next if you plead Not Guilty?

After arraignment, if you pled Not Guilty, and if your case has been set for a trial, you are expected to appear on time and to be prepared. Prior to the trial, you may request that witnesses for your defense be subpoenaed. To do this, either call the Municipal Court Clerk at 719-530-2611 or come to the office of the Court Clerk in person. You have a right to see the police reports generated in your case. A written request shall be submitted to the Municipal Clerk who will so notify the City Prosecutor on your behalf. The City Prosecutor will provide you the report ahead of your trial date.

Any witnesses you have either subpoenaed or asked to testify at your trial must be present at the specific time your trial has been scheduled. The Municipal Court imposes no additional court costs for a Trial by Judge. However, there is a \$25 jury fee for a Trial by Jury which must be paid within 10 days after your written request for a jury trial. Your written request for trial must be received by the Court within 21 days after a not guilty plea is entered; if neither request nor money is paid, your jury trial will be converted to a trial to Court.

The Municipal Court Clerk by law may not give legal advice, but can help answer any procedural questions you may have.

Sentencing if found Guilty?

If you are found Guilty at trial, the Judge will impose a sentence. You may be ordered to pay a fine, perform Useful Public Service, or another condition of sentencing. If you fail to comply with the sentencing ordered by the Judge, a Review Hearing will be scheduled. You must appear at any scheduled hearings.

If a criminal incident has resulted in property damage, the judge may order you to pay restitution to the victim of the crime. The Salida Municipal Court requires the victim to submit a claim for restitution. When the court receives a claim for restitution, a hearing may be scheduled for the involved parties to determine the specific amount of restitution, if any, that will be ordered by the court. Restitution is paid to the Salida Municipal Court and the Court in turn pays the victim. If

you are a victim in a Municipal Court case, you may contact the court any time after the court has entered the Order of Restitution, to inquire into the status of the case.

How do I make Payments?

Fines and fees are due and payable on the date of the sentencing (the court date). If you cannot pay, the Judge may ask you for specific dates that you can make payments and will set up a payment plan with you. An example might be that you will agree to pay \$75 every two weeks. Whatever your payment plan, you will be expected to pay as ordered. The Court can impose a \$25 time payment fee against you.

Failure to pay your fine and fees in full by the payment date and/or failure to comply with the order of the Court may result in a Notice to Appear, a Motion for Contempt Citation, or referral to a collection agency among other alternatives.

What if I fail to appear in Court when ordered?

Failure to appear in court when scheduled will result in the Judge's order for the issuance of a Bench Warrant against you, or an Outstanding Judgement Warrant for a traffic infraction. A Bench Warrant will result in arrest. An Outstanding Judgement Warrant results in consequences on your ability to renew your driver's license.

What are Bench Warrants?

Municipal Court warrants are ordered by the Judge for one's failure to appear. The Judge will set a dollar amount of bail. You must post bond in the amount of bail to secure your release from custody. A \$30 Bench Warrant fee is imposed by court order on each warrant issued.

At any given time, there are outstanding Bench Warrants for people who have missed their court appearance dates. If you believe you may have such an outstanding Warrant against you, bail amounts and other information may be obtained by calling the Municipal Court Clerk at 719-530-2611. In this way you may avoid learning about your Bench Warrant the hard way, by being arrested and brought to jail.

What are Outstanding Judgment Warrants (OJW)?

Colorado law requires this Court to place an Outstanding Judgment Warrant (OJW) against your driver's license for failure to appear or comply with conditions of a traffic infraction. In other words, you will not be allowed to renew your driver's license until you have satisfied the Warrant. To remove this court action, the law imposes not only payment of the underlying citation amount and court costs and surcharges, but also a \$30 fee in addition to any other warrant or administrative fees that might apply. If you hold a driver's license issued by another state, the Colorado Division of Motor Vehicles will initiate license revocation proceedings in that state.