

Colorado Springs Municipal Court Criminal Process Outline

This information is a summary of the typical municipal court criminal process. It is not intended to be legal advice. Each municipal court case is handled individually and can be different than what is described below. As this is a simplified summary, not all legal processes or procedures are described. Individuals with cases in municipal court should read all legal documents in their entirety and should address questions to the court.

**** Individuals are also encouraged to consult an attorney for legal advice. ****

1. Summons and Complaint Issued

- A summons and complaint, or ticket is issued for a violation of a City ordinance.
- Once a ticket is served, the Defendant is released.
- Tickets contain advisements regarding important legal rights and information about:
 1. The Defendant and the Police Officer issuing the ticket
 2. The allegations
 3. The scheduled court appearance (time, date, location)
- A payable ticket will have instructions about how to plead guilty and pay without appearing in court.

2. First Appearance: Arraignment

- Defendant will be advised of their legal rights, the charges they face, the potential penalties, and the procedure moving forward.
- Defendant will be advised that they may request time to hire an attorney or review discovery, that they may enter a plea of not guilty and set a trial, or they may enter a plea of guilty and be sentenced.
- A written copy of the Advisement of Rights is available upon request.

3. Pretrial Conference (PTC)

- This is a court date where the Defendant (or their attorney) can speak to the Prosecutor about the case. Plea offers are negotiated and conveyed. If an agreement is made, it can be accepted by the Judge. Alternatively, motions hearings or trials may be set.
- Cases may have multiple Pretrial Conferences, or they may be combined with the First Appearance.

4. Motions Hearing

- This is a court date set to argue legal issues or motions to the Court.
- This hearing may be combined with other court dates.

5. Trial

- This is the court date where the prosecution must present evidence to the court to prove the Defendant's guilt beyond a reasonable doubt. Witnesses are called and exhibits are admitted.
- Trials result in a verdict of either Not Guilty or Guilty.
- Most trials are Court Trials. A Court Trial (or bench trial) is a trial to a Judge.
- Certain municipal offenses allow the Defendant to request a Jury Trial. A Jury Trial is a trial where a jury of 3-6 members of the public determine the verdict. These trials also require a status hearing (Jury Orders Hearing), which occurs 2 days prior to the trial. Judges preside over Jury Trials and determine the law.

6. Sentencing

- After a guilty plea or verdict of guilty, a Judge will enter a sentence for the Defendant. This date can be combined with other court dates.

Appeals from municipal court are handled by the El Paso County District Court and are conducted via a paper process.

Other Important Information

Court Location and Contact Information

- The Colorado Springs Municipal Court is located at 224 E Kiowa Street, Colorado Springs CO 80903
- Phone Number: 719-385-5928
- Website: <https://coloradosprings.gov/municipalcourt>
 - The website contains additional information and instructions

Right to an Attorney

- Defendants have a right to an attorney in all municipal court cases, and that attorney can enter the case at any time.
- For certain cases, Court Appointed Attorneys are available for defendants who financially qualify for free representation. The Judge will give instructions on how to apply for a Court Appointed Attorney at the first appearance.

Right to Discovery

- Discovery is the legal term for evidence gathered in a case. Defendants have a right to review the discovery in their case. At or after the first appearance, Defendants can request discovery from the Prosecution.

Right to Bond

- If a Defendant is being held on a municipal court case, they have a right to a bond hearing.

— There are other important legal rights not discussed here that should be considered in every case. —

Jail

In municipal court, Defendants are only sent to jail on the following three occasions:

1. Sentence:
 - The Court may sentence a Defendant to jail only after the Defendant is found guilty at trial or enters a guilty plea. A jail sentence is one of several sentencing options available to the Court.
2. Failure to Appear:
 - If a Defendant fails to appear at any scheduled court date, a Judge may enter a warrant for their arrest. When these Defendants are next contacted by police, they may be arrested and taken to jail. They have a right to bond and a bond hearing at this point.
 - Many municipal warrants for failure to appear allow a Defendant to promise to appear for a new court date rather than being taken to jail.
 - Municipal Court also allows motions to quash for individuals with warrants who appear at the courthouse and make that request.
3. Contempt of Court:
 - If a Defendant acts inappropriately in the courtroom, a Judge may hold them in contempt and could sentence them to jail for that behavior. Jail is only one potential punishment for contempt.

Defendants who have municipal court cases may also be taken into custody if they have unrelated warrants, holds, or cases in other courts. Juveniles are not subject to jail sentences in municipal court.

Outreach Court resources are available in the Municipal Courthouse on the 2nd Floor, Monday – Thursday at 1:30. No appointment is needed. Resources are through the Colorado Springs Fire Department and City partners and can include treatment and/or housing connections and assistance.