

Boulder Municipal Court

Boulder County Justice Center
P.O. Box 8015
1777 6th Street
Boulder, CO 80306-8015
www.bouldercolorado.gov/court

JURY READINESS CONFERENCE INSTRUCTIONS

You have set your case for a jury trial and have been given two dates to return to this Court. Each of these Court appearances is mandatory. Failure to appear for either will result in cancellation of your scheduled jury trial, forfeiture of any posted bonds and a warrant for your arrest will be issued.

The purpose of this memo is to explain to you what the Jury Readiness Conference is and what we hope to accomplish at that time.

Jury trials are by their nature much more complex and legally difficult for people who are not lawyers than are trials to the Court. Accordingly, this Court schedules a Jury Readiness Conference approximately four weeks before your jury trial date to instruct you in the procedures of a jury trial. At that time the Judge will go through the full procedures of the trial and explain to you how the case will proceed.

Your obligation at the Jury Readiness Conference is first of all to appear prepared to take notes and listen to the instructions of the Court. Secondly, you should at that time present any legal issues or other issues that you wish to have resolved prior to trial. For example, should you wish to make some formal motion for any additional materials to be provided by the Prosecution or for the particular legal rulings you should be prepared to present them at the Jury Readiness Conference. Motions other than routine motions must be filed and briefed prior to the Jury Readiness Conference.

One common mistake made by pro se defendants is that they believe they may provide affidavits instead of live witness testimony at trials. This is not acceptable. Should you choose to proceed to trial you need to understand that any witness that you want to be heard from will need to appear and give live testimony. If you want to call a witness whom you believe will not voluntarily appear, please request a subpoena from the Municipal Courtroom Clerk and she will assist you in filling out the form in an appropriate manner. You are responsible for service of the subpoenas in accordance with City Ordinances.

As a pro se defendant you have the right to represent yourself, but you also have certain responsibilities. Among those responsibilities is to act in a respectful manner to the Court and to be aware of the basic rules of evidence and procedure. Should you wish to do some research in these areas, the Court suggests you go to the University of Colorado Law School Library and review the Rules of Procedure governing Municipal Courts and the Colorado Rules of Evidence. In addition, you may want to look at the Colorado Revised Jury Instructions for Criminal Proceedings. At trial, the Prosecution will provide the bulk of the jury instructions. However, if there are special instructions

which you want the jury to hear regarding a defense that you have or your theory of the case, you will need to provide them on the morning of the trial. It is helpful if they can be provided at the Jury Readiness Conference, but that is not required. When you bring any instructions on the morning of trial you should come prepared with three (3) copies of the instructions. If they were done on a computer you should also bring the disk so you can make any necessary changes to your instructions prior to them being submitted to the jury.

At the Jury Readiness Conference you should expect to learn from the prosecution what witnesses they intend to call, what exhibits they will offer and how long their case will be. At that time it is requested but not required that you provide notification of your witnesses and exhibits as well. If there are particular things you know you wish to offer as exhibits it is sometimes helpful to talk to the prosecutor about stipulations of admission of exhibits at that time. If you know of any particular testimony or witnesses the prosecution intends to offer to which you wish to object you may also bring that up at the Jury Readiness Conference.

Finally, the Jury Readiness Conference is most importantly a chance for you to ask any questions you have about the procedure of the jury trial and to make sure that you understand how we will be proceeding. Please do not hesitate to ask any questions you may have at that time. You may call the Deputy Courtroom Clerk at (303) 441-1842 should you have any further questions. Please remember the Court staff is not permitted to give you legal advice.

You should get copies of any documents you want from the City Attorney (prosecutor). Their office can be reached at 441-3025.

JURY TRIAL PROCEDURES

This document summarizes this Court's procedures in jury trials. If you have questions about these matters, please ask them before your trial begins. You may, if necessary, ask the judge procedural questions during the trial, but the judge cannot give you legal advice.

1. If the city prosecutor has indicated that s/he may request a jail sentence and if your income is below federal poverty guidelines, then you may be eligible to have an attorney from the Legal Aid program appointed to defend you at no cost to you. If you wish to pursue this option, please ask court staff about beginning the referral process.
2. Before trial, you are entitled to review the statements of any witnesses that may testify against you at trial, and any exhibits that may be introduced at trial. This is called "discovery." Please contact the city prosecutor's office at 303-441-3025 to get "discovery."
3. The judge will begin the trial by taking care of preliminary matters. These will include introducing both you and the prosecutor, and reading a brief statement to the jury about the case so that they have some background before the jury selection process begins. **Please provide the court, in writing, with a brief, neutral statement of what you think the case is about 48 hours prior to trial.** The judge will review the statements submitted by both sides and will either select one, or a combination of both, to read to the jury on the morning of trial.
4. The judge will then start the process of selecting a jury. This part of the trial is known as *voir dire*. Twelve people will be called to sit in the jury box. (These procedures assume a jury of six people. If you requested a smaller jury, then the numbers will be different at your trial.) The judge will ask the jurors a number of questions to make sure the potential jurors meet statutory requirements for serving on a jury. S/he will also ask questions designed to give you a little bit of information about the jurors themselves.

After the judge finishes his/her questions, both sides will have 15 minutes each to ask additional questions of the jurors. The prosecutor goes first. The questions should be relevant to the case, and should not be too personal. If a juror's answers cause you to believe that the person cannot decide the case in a fair and impartial way, then you can challenge that juror for cause. You do this at the end of your questioning by telling the judge which, if any jurors, you challenge for cause. If you believe that all of the jurors can be fair and impartial, then you should tell the judge at the end of your questioning that you pass the jurors for cause. The judge may deny your challenge for cause, in which case the juror(s) will remain on the jury panel. If the judge grants your challenge(s) for cause, the juror(s) will be excused and new juror(s) will be called to take their place. Each side will have a few minutes

to question the new jurors. The process will continue in this manner until a fair and impartial panel of twelve jurors has been selected.

After twelve qualified jurors have been selected, the group will be narrowed down to the six jurors who will actually decide the case. Each side will be asked to eliminate three jurors. The court clerk will hand you a piece of paper with the names of the twelve jurors on it. You should cross off the name of one juror that you do not want included in the final group. The prosecutor will cross off the first name, you will cross off the second name, and so on, back and forth, until six names have been eliminated. The judge will then read the names of the people who have been excused, and all but the six remaining jurors will be allowed to leave the courtroom.

5. After a short break, both sides will be allowed to make opening statements. The prosecutor goes first. You may then make an opening statement, or you may reserve your opening statement until after the prosecution has rested. Neither side is required to make an opening statement. An opening statement is not evidence and should not be an argument about why you believe you are not guilty; it should be a brief outline of what you think the evidence will show.
6. The City will then present its evidence by eliciting testimony through witnesses and perhaps by also offering exhibits. After each witness has answered all the prosecutor's questions, you may cross-examine that witness. You must ask only questions that are relevant to matters the witness testified about.

When the prosecutor has finished presenting evidence, he or she will announce that the prosecution is "resting" its case. At that point you may simply rest; you need not present any evidence whatsoever because the burden of proof always remains with the prosecution. If you wish to present evidence, you may give an opening statement if you did not do so earlier. You would then begin to present any evidence you wish to present about the incident(s) involved. You may call witnesses on your behalf and question them about the incident involved. Once you have finished asking questions of a witness, the prosecutor may cross-examine that witness. Do not assume that the prosecutor will call all of her potential witnesses, or that your witnesses will appear for court voluntarily. If you want testimony from a police officer or citizen witness, you should subpoena that person. Failure to subpoena a witness means his/her testimony will not be heard.

If you decide to present evidence, you may decide that you want to testify on your own behalf. You have no obligation to testify and if you choose not to, the judge will instruct the jury that it cannot consider your silence as evidence of guilt. If you choose to testify the judge is required to conduct a brief conversation with you to make sure you are voluntarily waiving your right to remain silent. If you choose to testify, you should give your testimony in narrative form – just tell the judge in your own words what you would like the Court to consider. When you are done, the prosecutor may cross-examine you, just like any other witness.

If you decide to present evidence, you may decide that you want to offer certain exhibits, such as photographs or diagrams, into evidence. In this Court prosecution exhibits are numbered consecutively beginning with “1” and defense exhibits are labeled consecutively beginning with “A.” You are required to show your evidence to the prosecutor before the trial begins. If your evidence was not prepared by you – for instance, if you did not take the photographs or draw the diagrams – you will need to have the person who prepared the evidence testify, or it may be excluded.

7. After you have presented all your evidence and “rested” your case, the prosecutor may present rebuttal evidence in an attempt to show the evidence you presented was inaccurate. After he or she is finished, you may present surrebuttal evidence in an attempt to show the prosecutor’s rebuttal evidence was inaccurate. After that, the evidence in the case is closed.
8. Both parties may present a closing argument, with the prosecutor going first. You may respond by making a closing argument. The prosecuting attorney will be allowed to make a brief rebuttal argument after you are finished because the prosecution has the burden of proof. Statements you make during closing argument are not evidence, so if there are facts you want the Court to consider, be sure to offer testimony or exhibits that tend to establish those facts. Closing argument is when you sum up the evidence, and argue the relevant law as it applies to the facts of the case. You may not comment on anything that has not been properly introduced as evidence, such as your driving record.
9. The jury will be instructed to decide whether you are guilty or not guilty based upon the evidence properly presented during the trial. They will be given jury instructions, which state the law that they must apply in making their decision, to guide their deliberations. The prosecutor will provide the court with the standard jury instructions that are used in every case. **However, you should provide the court, in writing, with any special instructions you would like the jurors to have at least 48 hours before trial. Such instructions might include a specific defense to the charge against you that is permitted by the Boulder Revised Code, or a definition of a legal term that is contained in a jury instruction.** Before closing arguments, the judge will make a final decision about which instructions to give to the jurors.
10. Once the jury has arrived at a verdict, they will come back into the courtroom and give the paperwork to the judge. The judge will read the verdict and discharge the jurors. If the jury finds that you are not guilty, then you will have no further obligations in this case. If the jury finds you guilty, then the judge must decide the appropriate sentence. The judge may sentence you immediately, or set your case for a sentencing hearing at a later date. Whenever you are sentenced, both you and the prosecutor will have the opportunity to make additional statements and/or present additional evidence that is relevant to sentencing. You must follow the requirements of whatever sentence is imposed.

11. If you are found guilty, you have the right to appeal your case. You must file your appeal in the Boulder District Court within 30 days of the date the jury decided your case. If requested, court staff can provide you with paperwork that you can use to initiate your appeal. There are additional costs associated with bringing an appeal.