Trial to Jury

The Court calls the case and the parties to the trial are asked if they are ready for trial. If all parties are ready for trial, the trial begins with the selection of a jury. If the parties are not ready for trial, they must explain to the judge why they are not ready, or what action is being requested prior to trial on which the judge must make a ruling.

Selecting a Jury

The Judge will ask questions of the jurors in order to determine whether they can be fair and impartial. The Defendant and Prosecutor will then be asked whether they have any legal challenges to any jurors. Examples of legal challenges are if a juror does not reside in the city limits of Thornton, the juror does not speak or understand English, or the juror has indicated a previous relationship with parties involved in the case. After this phase is completed, the Defendant will then have the opportunity of removing three jurors off the panel, alternatively with the City Prosecutor. Neither the Defendant nor Prosecutor have to give a reason for the decision for removing a juror during this phase. After each side has removed jurors, the remaining individuals will serve as jurors for the case. If the Defendant has questions during this process, the Judge will explain this process in further detail.

Opening Statements

Each party, the Prosecutor and the Defendant are given the opportunity to make an opening statement. An opening statement is not required. The Defendant may reserve the opening statement until after the prosecution has rested its case, or it may be waived. The opening statement is intended to allow the parties to state to the Court what the evidence presented will show, and is not the time to argue the case. It is not evidence to be used by the Court in making a decision and is not a narrative of testimony to be given or statements to be made under oath.

City Prosecutor's Case

The Prosecuting Attorney will call witnesses, which may include a police officer. The attorney will question the witnesses concerning any knowledge they may have of the facts in the case. After the Prosecuting Attorney finishes questioning a particular witness, the Defendant then has the right to cross-examine the witness. Cross examination means asking questions concerning the facts to which the particular witness has testified. This is not the time for the defendant to testify. The cross-examination questions should be directed to the witness' testimony to test the witness' recollection of facts. Each witness is treated in the same fashion. After the cross-examination is completed, the Prosecuting Attorney will have the opportunity to conduct a redirect examination, which means the Prosecuting Attorney may ask additional questions only on facts or statement of a witness given on cross-examination.

When the Prosecuting Attorney is finished calling witnesses, the City will rest its case. The burden is upon the City to prove its case beyond a reasonable doubt by competent evidence presented to the Court. If the City failed to prove its case at this point in the trial, the case may be dismissed.

When the City determines it has presented sufficient evidence to prove its case, then the City rests. Then the duty to proceed with the trial shifts to the Defendant.

Defendant's Case

If the Defendant elects to proceed, he/she may testify under oath, but is not and cannot be required to testify. If the Defendant does testify, the Prosecuting Attorney has the right to conduct a cross-examination of the Defendant. The Defendant has the right not to testify; if he/she so chooses, and

the Court cannot, by law, infer guilt based on the decision not to testify. If the defendant has any felony convictions on his/her record, the Prosecuting Attorney may ask about them. Also, the Defendant may have witnesses testify at this time in the trial. If the Defendant calls a witness they must ask the witness questions. The Prosecuting Attorney may cross-examine those witnesses.

If the Defendant has any documents or photographs to present into evidence, they must inform the Judge. Testimony should be restricted to the facts or charge before the Court. Testimony as to what someone said is not admissible as evidence unless the person who made the statement is present for cross-examination. Prior driving habits and prior driving records are not admissible as evidence at a trial.

At the conclusion of the testimony presented by or on behalf of the Defendant, the Prosecuting Attorney will be given the opportunity to call witnesses who may rebut the testimony of the Defendant and his witnesses. If the Prosecuting Attorney calls witnesses to rebut the Defendant or Defendant's witnesses for the first time, the Defendant is allowed to call rebuttal witnesses.

If the Defendant has questions about trial procedures, they may ask the Judge. While the Judge may not act as the Defendant's lawyer or help present their case, he/she may answer procedural questions.

Conclusion of the Trial

When both sides have finished presenting their testimony and evidence, they will be given the chance to make a closing argument. The City makes the first argument, then the defendant; and the City can then rebut the Defendant's argument. The Defendant's argument must be based on the evidence presented at trial. A closing argument is each side's summary of the matters presented to the Court as viewed by each party. Closing arguments are not required, and are not received by the Court as evidence, nor used to render a final decision.

When all evidence is presented and final arguments are completed, if any, then the Judge will provide written jury instructions, which the Defendant may review. If the Defendant objects to any, they must tell the Judge. The instructions will be read to the Jury and the Jury will then decide the case.

If a guilty verdict is rendered against the Defendant, the Judge will then decide on a sentence. Before announcing the sentence, the Defendant will be given the opportunity to tell the Court about favorable matters that should be considered while deciding on the sentence.

The cost of compensating jurors for their time is part of the fees assessed to the Defendant. If the Defendant is found not guilty at trial the Court pays for compensating the jurors.