

TRAFFIC COURT FINAL HEARING ADVISEMENT

You have requested a final hearing. You are advised:

1. **Offer Withdrawn:** Per the policy of the city attorney, the offer is withdrawn.
2. **No Plea Negotiation:** There will be no further opportunity to negotiate or speak with a city attorney regarding your ticket. Neither the Court nor the officer can reduce your points.
3. **Please Be On Time:** If you do not check in with the bailiff within 15 minutes of the scheduled hearing time, a default judgment will enter. This means the Department of Motor Vehicles will assess points against your driving privilege, a fine will be imposed and an Outstanding Judgment Warrant will place a hold on your driving privilege until you satisfy the judgment.
4. **Right to a Lawyer:** You have the right to hire an attorney to represent you at the final hearing.
5. **Photographs, Documents, and Video Evidence:** You have the right to present a defense. You may present exhibits, such as photographs, documents or video. Exhibits must be in printed format or on a disc.
6. **Witnesses:** It is up to you to issue subpoenas for witnesses or make arrangements for your witnesses to be present at the final hearing.
7. **Discovery:** Discovery is not available until the time of the final hearing. At that time, you will be entitled to inspect all documents which the officer intends to use at the final hearing.
8. **Right to Speedy Trial:** You have the right to have a final hearing within 91 days of your not guilty plea.
9. **Final Hearing Procedures:** The back of this document contains helpful information about the final hearing. This information can also be found at www.denvergov.org.

My signature acknowledges receipt of this document.

Signature

Date

WHAT HAPPENS AT A FINAL HEARING

FROM DENVERGOV.ORG

If the defendant received a ticket for an infraction and pleads not guilty, a Final Hearing will be set. A Final Hearing is an informal version of a trial where many of the procedural rules have been relaxed. At the Final Hearing a judicial officer will hear the case instead of a jury. The judicial officer presiding over a Final Hearing may be either a Judge or a Magistrate. The defendant does not have a right to object to a Magistrate hearing their case. There will be no prosecutor present and the police officer will act as the City's complaining witness and will state why he or she gave the ticket. Defendants may hire an attorney, or represent themselves. Since there is no possibility of jail time, attorneys are not appointed for indigent defendants.

The defense can:

- Make an **opening statement**;
- **Present evidence**;
- Argue the law;
- Bring witnesses;
- Question (cross-examine) the officer who issued the ticket and any other witnesses; and
- Make a **closing statement**.

When the case is called, the defendant should step to the counsel table. The officer will testify first. After the testimony, the Judge will ask the defendant if they want to cross-examine the officer. This means the defendant can ask the officer questions about matters brought up in his or her testimony and other related matters concerning the case. It does not mean introducing defense testimony at that time.

The defendant has the right to remain silent and not testify in their defense. After hearing the officer's testimony, the defendant may waive the right to remain silent by testifying to their version of the facts. If the defendant chooses to testify, they may be asked questions (cross-examined) on matters that were brought up in their testimony. The defendant may also call witnesses and present evidence such as photographs, charts, or other written materials.

After all witnesses have testified, the Judge will ask if either side wishes to make a closing statement.

Defendants representing themselves should come prepared. They should:

- Understand the charge(s) against them. Defendants can read the charges in the **Denver Revised Municipal Code**.
- Prepare a list of questions to ask the witnesses and the officer during cross-examination.
- Bring evidence they want to give to the judicial officer.
- **Subpoena** witnesses if they want to require someone to come to court to testify and bring documents. Subpoenas are free, however serving the subpoenas is the defendant's responsibility