

Attorney Practice Guide

Colorado Springs Municipal Court is a limited jurisdiction court-of-record which hears charter and ordinance violations of the City of Colorado Springs. The maximum penalty for each violation that is listed in ordinance number 11.4.104 includes a fine up to \$500 plus court costs and probation or a combination up to the maximum. All violations that are NOT listed in 11.4.104 carry a maximum penalty of \$2,500 fine plus court costs, 189 days in jail, probation or a combination up to the maximum. Court proceedings are governed by the Colorado Rules of Municipal Court procedure, state statutes, city ordinances and local orders.

<p>Clerk's Office 8:00 a.m. - 5:00 p.m. Monday – Friday Mailing Address: P. O. Box 2169 MC 1530 Colorado Springs CO 80901-2169 Phone: (719) 385-5928 Fax: (719) 385-6190</p>	<p>Probation Department 8:00 a.m. - 5:00 p.m. Monday - Friday Mailing Address: P. O. Box 2169 MC 1530 Colorado Springs CO 80901-2169 Phone: (719) 385-5923 Fax: (719) 385-6202</p>
<p>City Attorney's Office 8:00 a.m. - 5:00 p.m. Monday - Friday Mailing Address: P.O. Box 1575 MC 1540 Colorado Springs CO 80901-1575 Phone: (719) 385-5925 Fax: (719) 385-6438</p>	<p>Marshal's Office 8:00 a.m. - 5:00 p.m. Monday – Friday Mailing Address: 224 East Kiowa Room 150 Colorado Springs CO 80903 Phone: (719) 385-6101 Fax: (719) 385-6126</p>

- Appearance of Counsel, Entry of:** Counsel may mail or fax their entry of appearance to the Clerk's Office prior to their initial appearance in court. Notification may also be made in person in the Clerk's office at 224 E. Kiowa Street, Room 108. Attorneys are required to provide verification that they are licensed to practice in the State of Colorado.
- Appointment of Counsel:** The court has contracted with private practitioners to provide primary representation for indigent defendants. Essentially, these attorneys constitute a 'public defenders office' for the Municipal Court.
- Change of Address:** The Court maintains a list of names, addresses and phone numbers of attorneys who practice in the municipal court. Please advise the court of any changes of address or phone number by calling 385-5928 or faxing 385-6190.
- Discovery:** Requests for discovery should be filed electronically at <https://coloradosprings.gov/city-attorney-municipal-court/webform/request-discovery> or with the City Attorney's Office in Room 410 of the Municipal Court building at 224 E Kiowa Street.

5. **Divisions of Court (courtrooms):** All court hearings are held in the Municipal Court building at 224 E. Kiowa Street.

Division 1 is on the 1st floor, Room 110

Division 2 is on the 2nd floor, Room 210

Division 3 is on the 2nd floor, Room 220

Division 4 is on the 3rd floor, Room 310

Division 5 is on the 3rd floor, Room 320

Division R is the Referee hearing room located on the 3rd floor, Room 340.

6. **Documents, Filing of:** Counsel may file documents with the clerk in person, by mail, or by fax. Only one copy of any document should be filed with the court. The prosecution is also sent a copy by the filing party.

7. **Jail:** Defendants in the custody of the sheriff appear for arraignments and pretrial conferences in Municipal Court over closed circuit TV from the Criminal Justice Center.

Juvenile defendants incarcerated in Spring Creek Detention Center are transported to the court building for all appearances.

In-custody hearings are held in Division 5.

8. **Juveniles:** Municipal Court exercises jurisdiction over both adult and juvenile defendants charged with violations of city charter or ordinance. Juveniles charged with criminal violations do not face the possibility of incarceration upon conviction. Prosecution of juvenile defendants is handled essentially the same as prosecution of adult defendants. Statutory procedural provisions of the Children's Code (CRS Chapter 19) do not apply to prosecutions of juveniles in Municipal Court.

The court requires a parent or guardian to appear with any juvenile appearing in court or otherwise transacting business with the court.

9. **Motions Practice:** Unless directed by the court, motions in Municipal Court are generally made orally on the record. Written motions may be submitted by counsel by mail, fax, or in person at the Clerk's office. A single copy of the motion for the court case file is all that is required.

10. **Orders:** Written motions should be accompanied by a blank order which Counsel expects the judge to sign if the motion is granted.

11. **Scheduling Court Dates and Continuances:** Court dates are scheduled at the counter in the Clerk's office, Room 108. The court requires each defendant rescheduling a case to sign a promise to appear form, in lieu of posting bail. Counsel may enter their appearance and continue the arraignment for a pretrial conference with the prosecutor at a later date. These requests by counsel may be in person or by phone **prior** to the arraignment date. If done by phone, follow-up written verification of the new appearance date must be submitted to the court by mail or fax.

Clerks cannot continue a case by phone if the court's copy of the summons and complaint has not yet been received from the Police Department, or if the information has not yet been input into the computer

system. Counsel may schedule or reschedule appearance dates for their clients without the presence of their clients, but are responsible for their client's appearance.

The court will generally grant ONE continuance of a proceeding prior to the court date. If the case has been set for trial and the continuance is requested by counsel, the prosecution must agree to the continuance for the clerk to administratively reschedule the date. If the prosecutor doesn't agree, a motion is set before a judge. Continuances other than from arraignment to Pre-Trial must be requested in the Clerk's office in person by the attorney. Attorney support staff are not permitted to sign for continuances of court events.

12. Subpoenas: Subpoenas for witnesses to appear at trial are offered to defendants at no charge. At the time of trial scheduling, defendants are asked if they have witnesses they wish placed under subpoena. If so, they are provided a subpoena request form to complete and return to the court with witness' names, addresses, and phone numbers.

Defense subpoenas issued by the court are served by the CSPD Marshals unit. The court requires subpoenas be requested at least six weeks prior to the trial date to assure attempts of service. The CSPD Marshal Unit is dedicated to serving subpoenas, but service is not guaranteed. Subpoenas issued by the clerk may also be served by Counsel or by any adult over the age of 18, and not a party to the case. Counsel may request the subpoenas from the court. Unless verification of service is provided to the clerk, court case files will not reflect service. People placed under subpoena by the defense are the responsibility of the defendant. Should the defendant accept a plea negotiation in advance of a hearing, the defense is responsible for notifying its witnesses that they need not be present.

SUBPOENAS DUCES TECUM may be served either by city marshals at the request of the clerk, or by counsel or by any adult over the age of 18, not a party to the case. Blank subpoenas duces tecum forms may be obtained by counsel at the scheduling counter, and served at the direction of counsel. Subpoenas duces tecum must be issued by a Municipal Court judge pursuant to the Colorado Municipal Court Rules. Subsequent suppression hearings may be requested by the prosecution.

13. Withdrawal: Court rules require motions to withdraw by counsel to be filed in writing unless made orally in the courtroom at sentencing. These motions may be granted by a Municipal Court judge reviewing the motions ex parte in chambers.

Additional information is available on the Court's website: <https://coloradosprings.gov/municipal-court>