

This is an informational brochure about traffic violations in Colorado. It does not advise you about Colorado law. If you want legal advice, you should talk to a lawyer about your individual situation.

Your ticket will state the date and the time when you are to be in court. **CAREFULLY READ BOTH SIDES OF YOUR TICKET! YOU WILL NOT RECEIVE ANOTHER NOTICE ABOUT YOUR COURT DATE.** Your ticket will show whether you are charged with a traffic infraction or a traffic offense. For an infraction or an offense, if you fail (1) to pay the fine to the Motor Vehicle Division of the Department of Revenue (to Denver County Court for Denver tickets) or (2) to appear in court on the date stated on your ticket, you will not be able to renew your driver's license. You cannot get a driver's license unless you pay all fines and costs.

If you miss your court date, call the clerk of court's office immediately, and make arrangements to come to court. The court may have issued a bench warrant for your arrest or entered a judgment in your case when you failed to appear on your court date.

Tell the clerk of court's office if your address on the traffic ticket is not right or if you have moved. If the court cannot reach you by mail, the court may issue a warrant ordering your arrest or enter a default judgment against you.

Infractions

A traffic infraction is a violation of a law, such as failing to use turn signals; the only punishment is a fine and a surcharge (a penalty in money). A traffic infraction is a civil case, not a criminal case. On many tickets, there is a box that the officer checks to identify whether it is an infraction or an offense.

You have two choices: pay the penalty or appear in court.

- U If you choose to pay the penalty, you must pay the amount shown on your ticket within 20 days to the Motor Vehicle Division (to Denver County Court for Denver tickets). If you mail the payment to the Motor Vehicle Division (or Denver County Court) after 20 days, the payment will be returned to you with instructions to contact the court. It is still possible to pay without appearing, but court costs will be added. By paying, you are pleading guilty, and you give up your right to contest the ticket.
- U If you have not paid your ticket by the appearance date on the ticket, you must appear in court and (1) plead guilty and pay costs or (2) plead not guilty and set your case for final hearing. The district attorney may or may not speak with you the first time you appear in court. The district attorney is not required to be there because this is a civil case. Also, it is possible to enter a not guilty plea by mail requesting the case be set for a trial, requiring only one appearance. At the final hearing, you are innocent until proven guilty beyond a reasonable doubt.

There is no right to a jury trial in infraction cases. You only have a right to a hearing before a judge or magistrate. The officer who issued the ticket must be present at the final hearing. You have the right to call your own witnesses at the final hearing to tell your side of the story. If they will not come on their own, the court can prepare a legal paper (subpoena) requiring your witnesses to come to your hearing. You can either tell your side of the story (testify) or stay silent. If you remain silent, this cannot be used against you in your case.

Traffic Offenses

A traffic offense is a more serious traffic violation, such as reckless or careless driving. A traffic offense is a criminal case; being found guilty can mean going to jail and paying a fine and costs. Carefully check your ticket. You have 20 days to pay a fine (penalty assessment) and plead guilty, or you may be required to appear in court. If you go to court and plead not guilty, you will have an opportunity to speak with the district attorney either at the time of your arraignment (first appearance) or at a later pre-trial conference. The pre-trial conference is when you can talk about your case with a district attorney and discuss how to settle the case.

Trial for Traffic Offenses

If you decide to have a trial, you can have a jury trial or a trial without a jury (trial to the court before a judge). At a trial, you have the right to listen to and look at the people who testify against you, and you can ask them questions about what they saw.

You have the right to call your own witnesses at the trial and to tell your side of the story. If your witnesses will not come on their own, the court can prepare a legal paper (subpoena) that requires them to come to your trial. You can either tell your side of the story (testify) or stay silent. If you stay silent, this cannot be used against you in your case.

Speedy Trial

You have the right to a speedy trial for an infraction or an offense. This means that your trial must be held within six months from the date of your not guilty plea for an offense.

Common Questions

How does the ticket affect points on my driver's license?

The number of points assigned to the violation is established by the Colorado legislature. It goes on your record if you plead guilty or are found guilty. If you are convicted, the court cannot do anything to keep points off your record.

Do you have to have a lawyer when you go to court?

No. At your first appearance, you will be advised of your rights and given the opportunity to plead guilty or not guilty. At your first appearance, you are advised of the charges and the possible penalties. If you find out the charges are more serious than you thought, you can tell the court that you want a new court date so you can get an attorney.

If I am under the age of 18, do I have to

bring a parent or legal guardian to traffic court?

It is not required by law, but some courts have a policy that requires your parents to accompany you. Check with your local court.

Can I request a jury trial in traffic court?

You cannot have a jury trial if you are charged with an infraction. If you are charged with a traffic offense, you may request a jury trial.

Answers To Your Questions About

County Court Traffic Violations



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Colorado Judicial Branch

<http://www.courts.state.co.us>

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This brochure is published as a customer service by the Colorado Judicial Branch. For more information, call the clerk's office at your local county court.