

DEFENDANT'S TRIAL ADVISEMENT

This is an explanation of the trial procedures that will be followed by the Judge at Fruita Municipal Court if you are a defendant who is not being represented by an attorney.

The City of Fruita may be represented by the City Attorney's office, or it may not.

The trial may begin with an opening statement first by the City if represented by an attorney and then by you, if you so choose. An opening statement is not evidence. It is merely a statement of what you intend to prove during the trial. An opening statement is not mandatory. You may also reserve the right to make an opening statement until after the City has presented all of its evidence.

Any witness present on behalf of the City will have an opportunity to present their testimony to the Court. You will have the right to question or cross-examine these witnesses. The City's witnesses may give their testimony in narrative fashion, rather than being questioned by the City Attorney by way of direct examination. The questions you ask each witness on cross-examination must be relevant- that is, have a relationship to the incidents and the offense that has been charged in your case, as well as the credibility of the witness. Your opportunity to cross-examine the witness is not the time for you to testify. You will have that opportunity later in the trial, if you wish.

After the conclusion of the City's witnesses and evidence, you will have the opportunity to present your case. You may then call witnesses to testify on your behalf. Your witnesses should testify in narrative fashion. The City will have the right to cross-examine your witnesses, if a City Attorney is present.

If a witness for your case does not show up on the day of trial and you do not have that person under subpoena, the trial may go on without that witness. If you wish to subpoena witnesses, please contact the Fruita Municipal Court Clerk. In most circumstances, a person who is not present in court cannot testify by way of written documentation.

You have the right yourself to testify before the Court and you also have the right to remain silent- meaning to not testify. If you choose not to testify, the Court will draw no inference as to your guilt based upon the fact you choose not to testify. If you do testify and the City is represented by the City Attorney, you may be cross-examined on your testimony.

After you have concluded the presentation of your case, the City may present additional or rebuttal evidence, regarding the evidence you presented in your case. After any rebuttal evidence, the case will be closed to the presentation of any additional evidence.

At the closure of the evidentiary portion of the trial, you may present a closing statement, if you wish. A closing statement is not evidence and is not mandatory. It is merely a summary of what you believe the evidence has been in the trial, and an argument of the reason you are not guilty. Lastly, the Court will make a decision as to your guilt based upon the evidence that has been presented to the Court during the trial.

Since you have chosen to represent yourself in this case, the Court must hold you to the same reasonable standard that it would hold an attorney in the presentation of evidence. The Court cannot assist you in your defense. The Judge's role is to insure a fair trial is held and to make a decision based solely on the evidence that is presented. The Court cannot assist you in the conduct of your evidence, nor will it advise you as to how to present your case. The Court cannot act as an advocate for either the City or you.