

# City of Gunnison Municipal Court

## 2008 Annual Report

Volume 2008, No. 1

January 5, 2009



## A Little Municipal Court Background...

### Who We Are...

**T**he Gunnison Municipal Court operates under the leadership of Judge James R. McDonald. Administrative operations are supervised by City Clerk/Court Administrator Gail Davidson and the day-to-day operations of the Municipal Court are carried out by our new Court Clerk Melissa Miles and Deputy City Clerk Tracy Meehan.

Our Court is a member of the Colorado Association of Municipal Court Administrators. This organization provides a valuable network to municipal courts all over the State and enables our court employees to receive up-to-date information and training on court procedures and new legislation affecting our operation. Court Clerk Melissa Miles will start training through this organization in 2009. Judge McDonald is a member of the Colorado Municipal Judges Association. He networks with other Municipal Judges by attending workshops and conferences hosted by CMJA.

Colorado municipal courts operate under the Statutes and procedures outlined in C.R.S. 13-10-101 et.seq. for CO Municipal Court Rules.

Our Municipal Court is a “Court of Record” which means the Judge is an attorney and all court proceedings are recorded.

Since 1999, Gunnison Municipal Court has utilized Justice System’s “Full-Court” Software System. This enables us to enter all court cases and track them with greater accuracy. Monthly statistics, financial records, and case documentation can be easily accessed via this computerized system. The FullCourt software has been updated as information becomes available.

### Where We Are...

**T**he Gunnison Municipal Court meets approximately every other week on Wednesday afternoon at 2:00 P.M., in the City Council Chambers on the second floor of City Hall, 201 W. Virginia Avenue. A copy of the 2009 Court schedule is attached to this report.

Our Court schedule is flexible and can be changed, with good cause shown, to meet the needs of any individual unable to meet their scheduled court time. The Court is also flexible in meeting some of the out-of-town defendant’s needs by conducting arraignments and non-jury trials via telephone. Gunnison Municipal Court is ADA accessible and we utilize local contract citizens as translators to provide translation as needed. The need for this service is growing with each year. All pertinent court documents, such as the advisement of defendant rights, are available in Spanish.

**City Councilors and the public are always welcome and encouraged to observe Municipal Court Sessions!**

## What's the Process?

To answer some of the "process" questions you might have....

City Police Officers can write citations (tickets) into City or County Court. Some violations are only written into County Court. Examples of these include any violation involving juveniles, domestic violence, DWAI, DUI, most misdemeanor and all felony offenses.

Once a person receives a citation written into Municipal Court, the person can pay the ticket out of court, thus pleading guilty. They can do this by mail or in person at the Clerk's office. They can only pay ahead of time if the ticket is written as a penalty assessment, that is, the pre-set fine is written on the face of the ticket. If the ticket is written as a summons, then the defendant must appear in court. If a person chooses to appear in court, either because he or she wants to contest the ticket and plead not guilty or because the ticket is written as a summons, then they appear on the court date written on the ticket.

If a person appears in court, the first appearance is called an arraignment. At the arraignment, each person is given a written copy of the advisement of their rights and they are also verbally told their rights by the Judge. The person then pleads guilty, not guilty or asks for a continuance. If they plead guilty, they are assessed fine and fees. The current court cost for appearing in court is \$20.00. In some instances, a defendant may be offered a deferred sentence or deferred prosecution. This is done at the discretion of the Judge and the City Attorney. Council implemented this option, by Municipal Ordinance, in July, 2007. There is a \$50.00 cost for this option. If a person pleads not guilty, they are given a court date for a trial to court, where the trial is conducted in front of the Judge, or if they request, in writing within 20 days and pay a fee of \$25.00, a jury trial. All trials involving attorneys on the part of the defendant require the presence of the City Attorney to represent the City. In 2008, we had no requests for jury trials. The number of jury trials held is variable. Some years we will have none and others we will have a number of requests for a jury trial. They are much more labor intensive than trials to court.

## Court Activity

Attached is a breakdown of the Municipal Court Activity for the years 2004 through 2008. The total number of cases processed in Municipal Court in 2008 was 995 cases. This was an increase of 59 cases over the 936 cases in 2007. There has been a consistent yearly increase since 2005. Parking citations were at 588 cases compared to 571 cases in 2007.

A marked increase in citations was noted in September upon the hiring of Parking Officer Thorpe. Traffic violations were 82 compared to 86 cases in 2007. Of these 2008 cases, 23 were bicycle violations. Enforcement of bicycle laws were stepped up in September of the year. Drug cases processed - 60 cases, was close to the 58 cases processed in 2007. There was a slight decrease in the number of alcohol cases processed in 2008, 48 compared to 54 in 2007. Animal violations accounted for 100 cases in 2008 versus 79 in 2007. A breakdown of cases is included in this report. Conduct cases, which include disturbing the peace, fighting, disorderly conduct, theft, etc., saw 116 cases processed. This is up from 85 cases processed in 2007. The new security system in place at City Market has dramatically increased the number of theft cases being processed by the Municipal Court. The overall number of Officers on duty in the City also impacts the number of citations issued. The Police Department is almost at full-staffing.

Judge McDonald is continuing with a deferred program for first time alcohol and drug offenders. If the defendant was cooperative with the officer and there are no negative mitigating circumstances, the Police Officer can recommend a deferred sentence on the citation but the final decision is made by the Judge and City Attorney. The defendant appears in Court, pleads guilty, is found guilty, pays the fine (\$100) and fees (\$20 court cost and \$30 SafeRide surcharge), and if granted a deferred by the Court and approved by the City Attorney, pays a \$50.00 deferral fee and is on unsupervised probation for one year. At the end of the year, if there has been no other violations of the law, then the original charge is dismissed. This allows the young defendant to not lose their drivers license and pay the subsequent increase in car insurance. This hopefully creates a learning experience rather than a penalty that will stay with them for years.

## Vicious Animal Violations

Concerns in several other municipalities have lead to the implementation of breed-specific prohibition and regulation ordinances. Listed below is information concerning the 2008 Municipal Court caseload regarding vicious animal citations issued in the City of Gunnison.

<b>Dog Breed</b>	<b>Charged with Vicious Animal</b>
Boxer	2
Briard	1
Golden Retriever	1
Heeler	3
Labrador Retriever	1
Malamute	1
Pit Bull	6
Rottweiler	1
Sheppard Mix	1
Yorkshire Terrier	1

Of these cases, the Malamute case was dismissed, and one of the Boxer cases was dismissed by the Court.

We knew you would ask... This is a briard breed of dog. The Briard is an ancient French breed, also known as the Chien Berger de Brie. Briards are depicted in artwork going back to the eighth century, and described in records from the fourteenth century. They have a rich documented history through the centuries. Thomas Jefferson imported Briards into this country in 1789. One hundred and thirty three years later, the first litter of Briards was registered with the American Kennel Club. The Briard is a herding dog, bred to work.



**CITY OF GUNNISON MUNICIPAL COURT  
YEAR 2009 - COURT SCHEDULE**

Court will be held in the 2<sup>nd</sup> floor City Council Chambers  
201 W. Virginia Avenue in Gunnison, CO

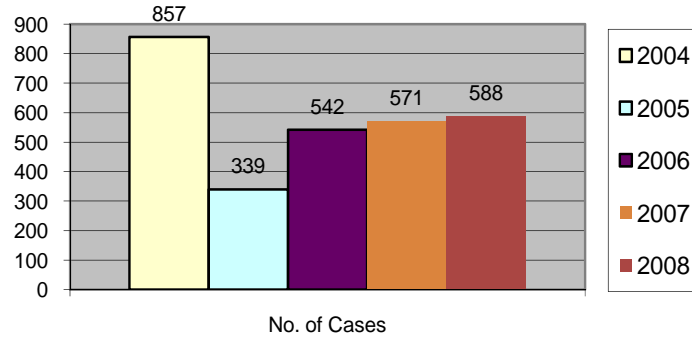
**All Court dates are Wednesday at 2:00 PM**

WSC Winter Break 12/22/2008 thru 1/11/2009

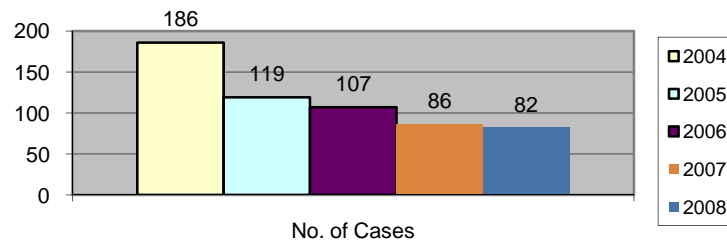
<b>JANUARY, 2009</b>	7 <sup>th</sup>	21 <sup>st</sup>	<i>(WSC Classes restart 1/12/2009)</i>
<b>FEBRUARY, 2009</b>	4 <sup>th</sup>	18 <sup>th</sup>	
<b>MARCH, 2009</b>	4 <sup>th</sup>	18 <sup>th</sup>	<i>(WSC Spring Break 3/9/09-3/13/09)</i>
<b>APRIL, 2009</b>	1 <sup>st</sup>	22 <sup>nd</sup>	
<b>MAY, 2009</b>	6 <sup>th</sup>	20 <sup>th</sup>	<i>(WSC classes end 5/8/2009)</i>
<b>JUNE, 2009</b>	3 <sup>rd</sup>	17 <sup>th</sup>	
<b>JULY, 2009</b>	8 <sup>th</sup>		<i>(Cattlemen's Days 7/11/09-7/19/09)</i>
<b>AUGUST, 2009</b>	5 <sup>th</sup>	19 <sup>th</sup>	<i>(WSC Classes Begin 8/24/2009)</i>
<b>SEPTEMBER, 2009</b>	2 <sup>nd</sup>	16 <sup>th</sup>	30 <sup>th</sup>
<b>OCTOBER, 2009</b>	14 <sup>th</sup>	28 <sup>th</sup>	
<b>NOVEMBER, 2009</b>	4 <sup>th</sup>	18 <sup>th</sup>	
<b>DECEMBER, 2009</b>	2 <sup>nd</sup>	16 <sup>th</sup>	<i>(WSC Classes end 12/17/2009)</i>

# Gunnison Municipal Court 5 Year Comparison by Case Type

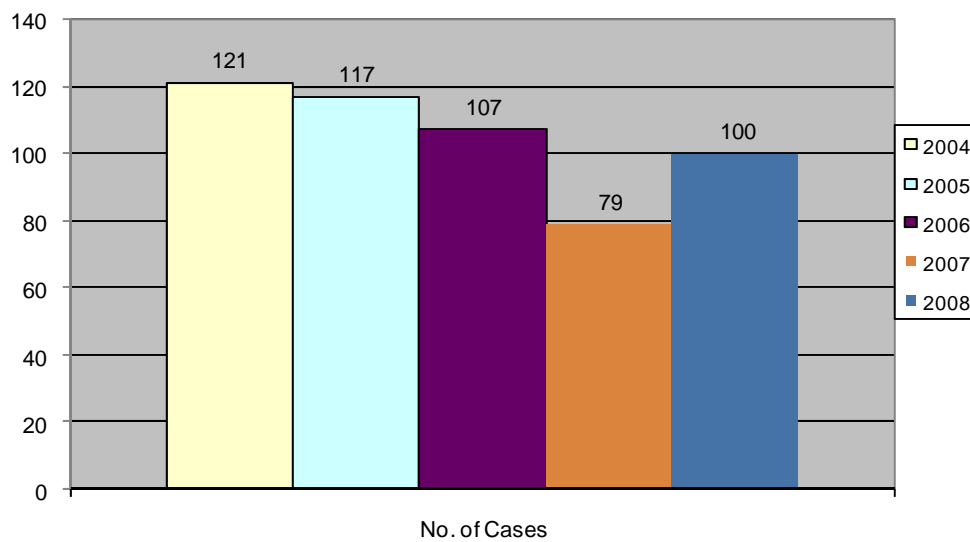
## Parking Citations



## Traffic Citations

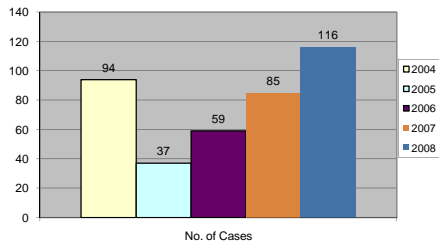


## Animal Citations

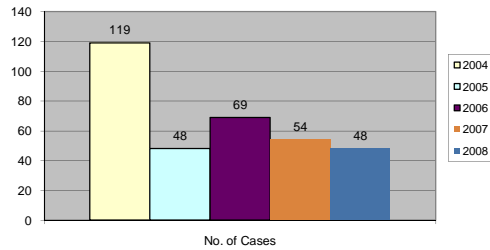


# Gunnison Municipal Court 5 Year Comparison by Case Type

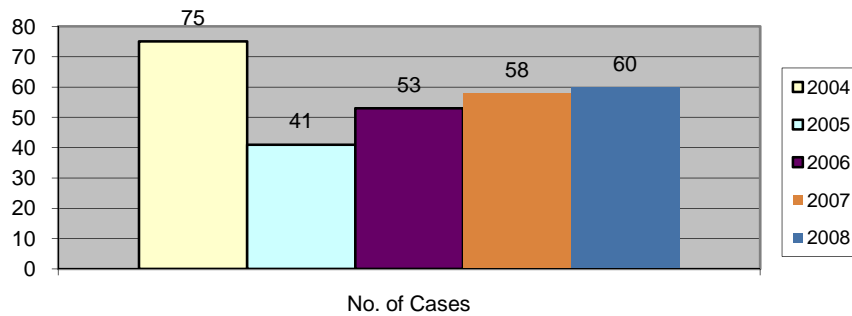
## Conduct Citations



## Alcohol Citations

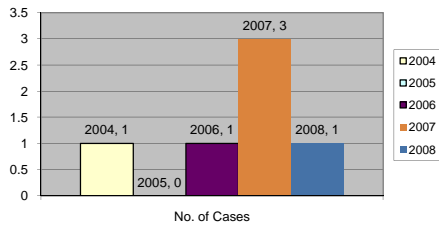


## Drug Citations



# Gunnison Municipal Court 5 Year Comparison by Case Type

## Miscellaneous Cases (Abatement/City Code Violations)



## Total Number of Cases Per Year

