

City of Gunnison Municipal Court

2014 Annual Report



A Little Municipal Court Background...

Who We Are...

The Gunnison Municipal Court operates under the leadership of Judge James R. McDonald. Our City Attorney Kathy Fogo acts as City Prosecuting Attorney. 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 Court Clerk Melissa McLeod and Deputy City Clerk Tara Kindall.

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. 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 State Statutes and procedures outlined in C.R.S. 13-10-101 et seq and the Colorado 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 "FullCourt" 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 was updated in 2013.

Where We Are...

The 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 2015 Court schedule is included in this report.

Our Court schedule is flexible and may 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 hearings via telephone. Gunnison Municipal Court is ADA accessible and we utilize local contract citizens as translators to provide translation as needed. Many pertinent court documents, such as the advisement of defendant rights, are available in Spanish. Municipal Court operations information is available to the public on the City's website at www.cityofgunnison-co.gov and then following the links.

What's the Process?

To answer some of the frequently asked "process" questions...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. The Municipal Court does not process civil suits. Most issued citations are violations under Title 5 General Offenses under our City Code. The City Code can be found at <http://www.codepublishing.com/co/gunnison/>.

Paying Out of Court. Once a person receives a Municipal citation, they can pay the ticket out of court, thus pleading guilty. They can do this by mail, phone or in-person at the Clerk's office. Payment is accepted by cash, check or credit card. 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. The link to the on-line payments is: <https://www.citepayusa.com/payments/welcome.do?court=gunniMUNlco>. 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.

Appearing in Court. 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 can make a statement to the Judge, and 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 a modification to a different charge. The deferral or modification is offered at the discretion of the City Attorney acting as the City's Prosecuting Attorney and has to be approved by the Judge.

Deferred Sentence. In the instance of an underage alcohol charge, if the defendant was cooperative with the officer and there are no negative mitigating circumstances, a deferred sentence may be offered by the City. The defendant does appear in Court, pleads guilty, is found guilty, pays the fine (\$100) and fees (\$20 court cost and \$50 SafeRide surcharge), and if granted a deferred sentence by the Judge, pays a \$50.00 deferral fee. 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 potentially affect their driver's license, pay the subsequent increase in car insurance, or have a criminal offense reported on their record. This hopefully creates a learning experience rather than a penalty that will stay with them for years.

Requesting a Trial. 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 are prosecuted by the City Attorney. In 2014, we had no requests for jury trials.

Court Activity

Attached is a 5-year breakdown of the Municipal Court activity for the years 2010 through 2014. The total number of cases filed and processed in Municipal Court in 2014 was 638 cases, with a total of \$40,872.18 in fines and fees collected. A breakdown of violations and fines/fees collected is included in this report.

In 2014, the City Council approved an amendment to the City Animal Code. Among the amendments, the definitions of vicious and dangerous animals were clarified. The fourth quarter of 2013 saw the revamping of the City parking fines and procedures. Parking violations were increased to \$30 for most violations, with a reduced fine to \$20 if the fine is paid within 30 days. The 2014 trend appears that more parking violations are being paid with the lower fine opportunity. Fewer parking tickets were written in 2014 due to the unavailability of a parking enforcement officer for part of the year.

**CITY OF GUNNISON MUNICIPAL COURT
2015 COURT SCHEDULE**

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

All Court dates are on Wednesdays at 2:00 PM

WSCU Winter Break 12/19/2015 thru 1/11/2015

January	14 th	28 th	<i>(WSCU Classes restart 1/12/2015)</i>
February	11 th	25 th	
March	18 th		<i>(WSCU & RE1J Spring Break 3/23/2015 - 3/27/2015)</i>
April	1 st	15 th	29 th
May	13 th	27 th	<i>(WSCU classes end 5/09/2015)</i>
June	10 th	24 th	
July	22 nd		
August	5 th	19 th	<i>(WSCU Classes Begin 8/24/2015)</i>
September	9 th	23 rd	
October	7 th	21 st	
November	4 th	18 th	
December	9 th		<i>(WSCU Classes end 12/17/2015)</i>

Receipts By Fee Report
 All Case Types and Sub-Types
 From 01/01/2014 to 12/31/2014
 Fee Type: Criminal: All Fees
 Total Only

Defendant	Charge	Received	Receipt	Amount
	Fee: Bench Warrant Fees			
		Total For Bench Warrant Fees:		\$570.00
	Fee: Court Costs			
		Total For Court Costs:		\$1,660.00
	Fee: Default Judgement Fee			
		Total For Default Judgement Fee:		\$120.00
	Fee: Deferral Sentence Fee			
		Total For Deferral Sentence Fee:		\$550.00
	Fee: Fine			
		Total For Fine:		\$30,317.26
	Fee: Fine not paid or postmarked within 30 days of violation			
		Total For Fine not paid or postmarked within 30 days of violation:		\$960.00
	Fee: SafeRide Surcharge			
		Total For SafeRide Surcharge:		\$3,731.00
	Fee: Shelter Fee			
		Total For Shelter Fee:		\$687.00
	Fee: Victim Restitution			
		Total For Victim Restitution:		\$2,276.92
	Total:			\$40,872.18

Gunnison Municipal Court

User: MELISSA

Citation Activity
All Case Types and Sub-Types
Citations issued 2010-2014
Cases With and Without Disposition

Citation Report Type	2010	2011	2012	2013	2014
ABATEMENT HEARING	3	1	0	4	1
ALCOHOL	50	59	60	36	42
ANIMAL	75	67	61	63	79
BIKE	2	5	20	10	9
CONDUCT	92	35	61	57	49
DRUGS	72	61	46	24	9
PARKING	492	500	661	559	359
TOBACCO	0	0	0	0	2
TRAFFIC	122	70	76	72	88
Total:	908	798	985	825	638



Gunnison Municipal Court Staff
Judge James McDonald Presiding