

MUNICIPAL PROSECUTION FREQUENTLY ASKED QUESTIONS

General Questions

1. What is the role of the municipal prosecutor in my case?

The municipal prosecutor is responsible for representing the City of Loveland in all cases involving a violation of the Loveland Municipal Code. These cases include traffic infractions, traffic violations, and animal code violations, criminal and other violations. The prosecutor reviews the evidence in each case, considers whether a plea agreement is appropriate, and represents the City before the Municipal Court in trials to the Municipal Judge or jury. It is the prosecutor's responsibility at trial to prove the charges beyond a reasonable doubt.

2. When can I speak with a prosecutor?

You will have the opportunity to speak with a municipal prosecutor at your arraignment after you have been read your rights and advised of the charges against you by the Municipal Judge. The prosecutor cannot give you legal advice. If you choose not to enter a plea at your arraignment, your case will be set for a pretrial conference on a new court date and you will have an opportunity to speak with the prosecutor again on that date. Once you have been arraigned, you may also schedule a time to speak with one of the prosecutors at another date and time upon request.

3. What happens when I speak with a prosecutor?

On your arraignment date, the prosecutor likely has not seen your file and may not know the details of your case. The prosecutor will review the information in your file, consider your driving history or criminal history, and allow you an opportunity to share any information you think is relevant to your case. It is the municipal prosecutor's goal to treat similarly-situated defendants in a similar manner based on the information available. After reviewing the file and speaking with you, the prosecutor may make a plea offer to you at this time, as well as discuss your right to plead not guilty or to set the matter over for a pretrial conference if you need time to speak with any attorney, gather evidence you believe is relevant, or for other reasons.

4. Am I guaranteed a reduced charge by speaking with a prosecutor?

No. There is no guarantee that charges, fines, associated points, or other potential sentences will be reduced by speaking with the prosecutor.

Traffic Questions

5. What is the difference between a traffic infraction and traffic offense?

A traffic infraction is considered a civil violation of the Loveland Municipal Code, and is punishable only by a fine of up to \$1,000. A traffic offense is considered a criminal violation of the Loveland Municipal Code, and is punishable by a fine of up to \$1,000 or one year in jail, or a combination of both. Traffic offenses require your appearance in court and do not allow for early settlement and payment without a court appearance.

6. How many points do I have on my license?

The Loveland Municipal Court does not control your license or points against your license. Any charges of which you are convicted which carry point assessments will be reported to the Colorado Division of Motor Vehicles. You may learn more about points at <https://www.colorado.gov/pacific/revenue/point-suspensions>.

7. Can I attend traffic school to get reduced points on my license?

Colorado does not have a statewide traffic school program. Certain driving classes may be ordered as part of your sentence under a plea agreement or by the Municipal Judge.

Sentencing Questions

8. How much will my fine be?

Unless your ticket is for a parking violation or traffic infraction that specifies that you may pay a fine early, your fine will generally be determined by the Municipal Judge. Traffic violations may be up to \$1,000. Juvenile code violations may be up to \$500.

9. Is probation offered as part of a plea agreement or sentence?

Generally, no. The Loveland Municipal Court does not have a probation program or department to utilize as part of sentences. You may be offered classes, fines, or other conditions of a sentence in lieu of serving time in jail. However, the City may recommend for non-traffic cases that a defendant be placed on unsupervised probation.

10. Can I get a deferred judgment and sentence so that the case is not on my record?

A deferred judgment and sentence is a plea arrangement whereby you enter a plea of guilty to some or all of the charges, with the agreement that upon your successful completion of certain conditions (i.e. useful public service, classes), the case will be dismissed and no conviction for the charges will be reflected on your record. The prosecutors offer deferred judgments and sentences in limited circumstances, but are willing to discuss this with you.

11. If I am under the age of 18, do I have to bring a parent or guardian with me to speak with the prosecutor?

Yes. Just as you must have a parent or guardian attend court with you if you are under age 18, you must also have a parent or guardian with you if you speak with one of the prosecutors.

Miscellaneous Questions

12. How do I request discovery in my case?

You may submit a written request for discovery to the Municipal Court.

13. I am a victim and believe I am entitled to restitution from a defendant. How do I request restitution?

You may contact a prosecutor to discuss your request for restitution or payment of your out-of-pocket expenses incurred due to the defendant's actions as charged in the case. The prosecutor reviews each case to determine if restitution is appropriate, and will notify potential victims by mail of the possibility of restitution. You should be prepared to provide the prosecutor with documentation of your out-of-pocket expenses, and you may be required to appear in court for a restitution hearing.