

ORDINANCE NO. 117

AN ORDINANCE CONCERNING PROCEEDINGS BEFORE THE POLICE MAGISTRATE FOR FINES AND PENALTIES AND PROVIDING FOR JURY TRIALS.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LA JARA, COLORADO:

Section 1. In all cases before the Police Magistrate for any violation of the ordinances of The Town of La Jara involving a possible penalty of fine or imprisonment, the defendant may demand a jury.

Section 2. A jury shall consist of six jurors, or a lesser number, not fewer than three, if the same be agreed upon by the town and the accused.

Section 3. Upon demand for jury, the Magistrate shall issue a writ for summoning jurors to the Town Marshall or any other Town Police officer commanding him to summon a sufficient panel of jurors, who are residents of the town over the age of twenty-one years and who are not of kin to the defendant, to appear before the magistrate at the time set for the trial to make a jury for said trial.

Section 4. In all cases where a person shall be summoned as a juror and shall fail to attend at the time and place appointed, the magistrate shall have power to issue an attachment directed to the Town Marshall or any other town police officer, commanding him forthwith to bring before the Magistrate the body of such juror to show cause why he should not be fined for contempt and upon the appearance of such juror on such attachment, it shall be lawful for the Magistrate to fine him any sum not less than one dollar nor more than ten dollars, or wholly discharge him if satisfactory excuse be made.

Section 5. If any juror summoned shall be interested in the event of the suit, or of kin to the defendant, or shall have expressed his opinion as to the guilt or innocence of the accused or shall for any cause, to be judged of by the magistrate, be considered as a partial or improper juror, the magistrate shall discharge such juror; and when, by such discharge, or failure of any juror to attend, the jury shall not be complete, the magistrate shall direct the Town Marshall or other police officer to summon as many persons as shall be required to complete such jury, instantly, from among the bystanders or other persons in his bailiwick, which summons shall be verbal; and the person

so summoned shall be bound to serve on such jury, and on refusal or failure to do so may be attached and fined for contempt. In all cases of jury trial before the Magistrate, the town and the defendant shall each be entitled to three peremptory challenges.

Section 6. The jury, as finally selected, shall be sworn by the Magistrate before any evidence is submitted to it.

Section 7. It shall be the duty of the jury, in all cases tried by jury, where the defendant is found guilty, to fix the punishment therefor in its verdict.

Section 8. Upon the jury returning their verdict of guilty, and the assessment of the fine or imprisonment, the Magistrate shall record same in his docket and proceed to render judgment thereon for the amount of such fine and costs; but if the jury returns a verdict of not guilty, the Magistrate shall record the same, and discharge the defendant or defendants without costs.

Section 9. Each juror selected to hear any case as provided by this section shall be entitled to a fee of four dollars to be taxed as costs in the action.

Section 10. Whereas, in the opinion of the Board of Trustees, an emergency exists and this ordinance is necessary for the immediate preservation of the public peace, health, and safety, therefore this ordinance shall be in full force and effect upon the expiration of five days from and after its final passage and publication.

Introduced, read and passed, approved and adopted this 1st day of May, 1958.

R W Bruden
Mayor

(SEAL)
ATTEST

Charles H. [unclear], TOWN CLERK