

ORDINANCE NO. 70

AN ORDINANCE PROVIDING FOR JURY TRIAL IN THE TOWN OF NUCLA, COLORADO, IN CASES AS REQUIRED BY THE CONSTITUTION OF THE STATE OF COLORADO

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF NUCLA,

COLORADO:

Section 1. Jury Trial. In all suits and prosecutions before the police magistrate, no change of venue shall be granted, nor shall the Defendant be entitled to a jury except in cases where a jury trial is required by the Constitution of the State of Colorado.

Section 2. Demand for jury. In all trials before the police magistrate, the Town of Nucla in cases arising under Ordinance of the Town of Nucla wherein a Defendant shall have the right to trial by jury, such Defendant may demand a jury which shall consist of six (6) jurors, or a less number, not fewer than three (3) if the same be agreed upon by the Town of Nucla and the Defendant, and upon the Defendant advancing to the police magistrate, for the use of the Town of Nucla, the cost of summoning a panel of jurors and the fees for one days service by the jury, the said police magistrate shall issue a venire for the jury directed to the marshal or other police officer of the Town of Nucla which shall be substantially in the following form:

TOWN OF NUCLA)
)
COUNTY OF MONTROSE) SS.
STATE OF COLORADO)

The people of the Town of Nucla, State of Colorado to the Marshal or any Police Officer of the Town of Nucla, greeting:

We command you to summon _____ persons to the Town of Nucla, State of Colorado to appear before me at _____ on the _____ day of _____, 19____, who are no kin to Defendant _____, to make a jury

charge of a violation of one (1) or more Ordinances of the said Town; because the said Defendant had demanded the trial by jury: and have you then and there the names of the jury, and this writ, Witness my hand and seal this ____ day of _____, 19____.

Police Magistrate of the Town
of Nucla (SEAL)

Said jurors shall receive as compensation Three Dollars (\$3.00) for each day or fraction thereof served, said jury fees and costs to be assessed as Court costs.

Section 3. Attachment for Jurors - Contempt. In all cases where a person shall be summoned as a juror to try any cause before the Police Magistrate of the Town of Nucla and shall fail to attend at the time and place appointed in such summons, the said Police Magistrate thereof shall have power to issue an attachment, directed to any Police Officer of the Town of Nucla, commanding him forthwith to bring before such Police Magistrate the body of such juror so failing to attend, to show cause why he should not be punished for contempt; and on the appearance of such juror on such attachment, it shall be lawful for such Police Magistrate to punish him for contempt or wholly discharge him if satisfactory excuse be made.

Section 4. Challenge for Cause - Peremptory. If any juror summoned shall be interested in the event of the case or kin to a defendant, or shall have expressed his opinion on the matter about to be tried, or shall, for any cause, to be judged by the Police Magistrate of the Town of Nucla, be considered as a partial or improper juror, the judge shall discharge such juror; and when, by such discharge, or the failure of any juror to attend, the jury shall not be complete, the judge shall direct any police officer of the Town of Nucla to summon as many persons as shall be required to complete such jury, instantly, from among the by-

on refusal or failure to do so may be attached and punished for contempt.
In all cases arising under the Ordinances of the Town of Nucla wherein
a jury trial is had, each party shall be entitled to three peremptory
challenges.

Section 5. Verdict - Sentence. Upon the jury returning their
verdict of guilty, the Police Magistrate shall record the same in the docket
and shall proceed to fix or determine the punishment, penalty, or
sentence so determined by him and for costs; but if the jury return a ver-
dict of not guilty, the Police Magistrate shall record the same, and dis-
charge the defendant or defendants without costs.

Section 6. Plea of Guilty. If any person accused of violating
any of the provisions of the Charter or Ordinances of the Town of Nucla
having a right to trial by jury shall confess himself guilty, the Police
Magistrate of the Town of Nucla, without a jury, shall hear the evidence
and fix and determine the sentence, penalty, or punishment, and such Police
Magistrate shall enter judgment and issue execution thereon.

Section 7. In the opinion of the Board of Trustees, an emergency
exists and this Ordinance is necessary for the immediate protection of the
public health and safety. Therefore, this Ordinance shall be in full force
and effect five (5) days after the publication thereof.

Passed this 10th day of September, 1958.

R. J. B. B. B.
Mayor

ATTEST:

Naivela Stephens
Town Clerk