

Legal Information for an Individual Arrested for Domestic Violence

Below is some information about the legal process that you may face as someone who has been arrested for domestic violence. Generally, people arrested for domestic violence are charged with a misdemeanor crime, i.e. a crime resulting in 2 years or less in a county jail. There are several things you should know before bonding out of jail, taking a plea bargain, or encountering the legal system in any way.

Jail Time:

If this is your first misdemeanor offense, there is little to no chance that jail time will be required as a condition of any sentence you receive if you accept a plea bargain or are found guilty at a trial. Depending on the charge(s) you are facing, your criminal history, and your ability to post the bond set for your case, these factors will determine either how long you may be in jail before bonding out or what kind of, if any, jail sentence you will receive if you accept a plea or are found guilty at a trial.

Bond Conditions:

A **bond hearing** before a judge will be held at the jail the next business day at 2:00 pm to determine bond amount & conditions. The determinants of bond typically consider:

- prior offenses
- alcohol & drug use
- flight risk
- seriousness of the crime currently charged

If you receive a Personal Recognizance (PR) Bond or are able to post the bond amount set for your case you will be able to leave the jail and your next court date will be at the Boulder County Justice Center. If you are not able to post the bond then your next court date will be held at the jail.

No Contact Orders:

A “no contact” order is usually given as a condition of the bond in any domestic violence related case. This means that you as the defendant may not contact the alleged victim in any way. It also means that if the alleged victim contacts you, you can be held in violation of bond conditions and be rearrested. The alleged victim should be advised of the no-contact order by the District Attorney’s Office and will likely have been informed of this by the police at the time of your arrest.

The alleged victim may request that the no-contact order be modified to allow telephone contact, contact with the children, etc. The alleged victim can also request that the no-contact order be dropped. However, it is up to the judge reviewing the request whether or not any modifications will be granted or if the no-contact order will be dropped. You can request these things as well, however, modifications or removal of a no-contact order rarely are granted by a judge if the alleged victim does not agree to these requests. If the no-contact order is not modified or removed by a judge you cannot contact the alleged victim in any way – even through a third party. You should be advised not to believe that the no-contact order has been dropped or modified unless you are informed of this by a judge or from the District Attorney’s Office.

Arraignment:

An arraignment is the first court appearance you will have after your bond hearing. At the arraignment, you will have a conversation about your case with the District Attorney assigned to your case. At this point, the District Attorney may offer a plea bargain. If a plea bargain has been offered, you may either, accept this plea bargain and plead guilty that day before the magistrate or judge in the courtroom, or you may not accept the plea bargain and plead not guilty. You may also ask for more time to either apply for the public defender or hire another attorney to represent you. If you plead not guilty or ask for time to find an attorney you will then schedule a next court date for a pre-trial conference.

Pre-trial Conference:

A pre-trial conference consists of another conversation with the District Attorney who is prosecuting the case. During this time, they may explain anything they believe to be relevant to the case. The District Attorney will likely offer another plea bargain, which may be accepted or rejected. If it is accepted, you will plead guilty and be sentenced on a date specified by the District Attorney. If the plea bargain is rejected, a jury trial may be scheduled. Once the jury trial is scheduled, you may accept the plea bargain or attempt to negotiate with the District Attorney and accept another plea bargain offer up until the day of the trial.

Jury Trials:

Jury trials for domestic violence offenses usually contain a 6-person jury, and last no more than one or two days. If you have applied for and were found eligible for a public defender, the public defender could represent you at trial. The plea bargains offered before this point are no longer available to you once a trial begins. Also, no deferred sentence may be given at a trial. Any guilty finding would be listed as a conviction, and the judge would determine the sentence.

Safehouse Progressive Alliance for Nonviolence (SPAN) - #303-444-2424

Advocate's Role:

A SPAN advocate may inform you of the general legal process, possibly accompany you to hearings/meetings, explain anything about the process or review available resources. SPAN advocates cannot give legal advice, or encourage you to accept or reject a plea bargain. SPAN advocates can only provide support and information about the next step in the process, and what your options might be. SPAN advocates encourage you to consider your options carefully, and know that the choice is always yours.

You can call the **crisis line (303 444-2424)** to get names of private attorneys for criminal defense law or the public defenders' office. Also, if you are interested in SPAN advocacy on your case, you can call the crisis line to make an appointment with an outreach counselor in Boulder, Lafayette or Broomfield. Before the appointment, you should get a copy of the police report and make notes on the report of information that you feel may have been omitted or noted incorrectly. You can also write notes about any previous history of abuse you may have experienced, either reported or unreported to the police, with exact or approximate dates of the incidents. This information can be discussed with a counselor. After you meet with a counselor, your case will be assessed and a decision made on whether or not SPAN can advocate on your behalf to either ask the court to take certain information into consideration in determining the outcome of your case or, when appropriate, to ask to consider the case against you be dismissed.