

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, MISSOURI
23RD JUDICIAL CIRCUIT
JEFFERSON COUNTY MUNICIPAL COURT
400 1st St.
Hillsboro, Missouri 63050

YOUR RIGHTS IN THE MUNICIPAL DIVISION

Your presence in Court today is perhaps your first experience in any court. This information has been prepared to help you understand the court proceedings and to inform you of your rights and duties.

- The Jefferson County Municipal Court is a division of the Circuit Court of Jefferson County, and is a part of the state judicial system.
- Cases in Municipal Court involve alleged violations of Jefferson County ordinances.
- Ordinance violations for which the maximum fine, upon conviction, does not exceed \$1000.00 and/or 1 year in jail, are tried in the Municipal Division.
- Trials are conducted under the rules set forth in the Missouri Revised Statutes Rules of Evidence.

If you have received a ticket or summons for a municipal ordinance violation, you have certain rights and responsibilities. The purpose of this brochure is to help you understand these rights and responsibilities. If you cannot read or understand this information, for any reason, including you need the services of an interpreter, please let the court when you speak to the judge.

BEFORE COURT BEGINS

As the Judge enters the courtroom, please rise. Afterwards, please be seated. There is no talking, drinking, or smoking during court. When your name is called, come forward to the podium before the Judge. The violations that you are alleged to have committed will be read and at that time you should be prepared to plead either guilty or not guilty.

If you signed a citation in front of an officer, you did not plead guilty, but only signed a promise to dispose of the charges of which you were accused through appearance or pre-payment of fine and cost.

THE ARRAIGNMENT

An arraignment is your first appearance in Municipal Court. When you are given a ticket or summons, you are also given a court date and time to appear in Municipal Court. When you appear at your arraignment, your name will be called. When your name is called, approach the bench. The Judge will read the charge that has been filed against you. If you do not understand the charge, ask the Judge to explain it. When the Judge asks you how you plead, you must say either "Guilty" or "Not Guilty". "No Contest" pleas are not allowed in Missouri Courts.

APPOINTMENT OF COUNSEL

If the Prosecuting Attorney is requesting that you be sentenced to jail for the violation for which you are charged, the judge will notify you before you enter a plea of guilty or not guilty. If jail is a possible punishment and you cannot afford an attorney, the court may appoint an attorney for you following a hearing to determine whether you are indigent. You do not have a constitutional right to have an attorney appointed if jail is not a possible punishment.

A GUILTY PLEA

If you plead guilty, you are admitting to the Judge that you have committed acts which violate a valid County ordinance. The judge will then decide what penalty will be assessed. At this time, you will have an opportunity to tell the Judge any special circumstances that you believe lessen the seriousness of the violation. You cannot plead guilty and then in your explanation to the Judge say that you did not violate the law.

After listening to your explanation, the Judge will assess a penalty, considering the type and seriousness of the offense and any explanation offered by you. Remember, if you plead guilty, the Judge will find you guilty. Any explanation that is offered by you can only affect the penalty. The judge will assess your punishment according to the range of punishment provided by the ordinance, which will never be more than a \$1000 fine, one year in jail, or both. If you have been in jail for more than 24 hours prior to coming to court the Judge can also consider giving you credit for time served in jail prior to your plea of guilty.

When you plead guilty you will be giving up the following rights: To hire a lawyer to represent you; to have a trial before a court or jury; to call witnesses to testify for you; to testify for yourself; to cross-examine any witnesses that the County may call; and the right to appeal the court's judgement.

If you are not a citizen of the United States of America, you are hereby advised that a plea of guilty or a conviction of certain types of offenses heard in this court may result in deportation, inadmissibility from admission to the United States of America, or a denial of naturalization pursuant to the laws of the United States of America

A NOT GUILTY PLEA

A plea of not guilty means that you deny guilt and that the County must prove its charge against you. Your case will be set for trial, and you will be given a date to appear. You will receive no other notice with regard to your trial date.

If you plead not guilty, you will need to decide whether to employ an attorney to represent you at the trial. You may defend yourself, but no one else except an attorney may represent you.

At the time of the trial, the County will be required to prove all the allegations as contained in the formal complaint against you "beyond a reasonable doubt," before a verdict of guilty can be reached.

THE TRIAL

Trial Rights

Under Missouri law, you can be brought to trial only after a formal complaint has been filed. The complaint is the document, which alleges what you are supposed to have done, and that your action was unlawful. During your trial your rights include (but aren't limited to) the following:

- You have the right to inspect the complaint before trial, and have it read to you at trial.
- You have the right to have your case tried before a jury. If you desire to do this, the Judge shall forthwith certify your case to the Circuit Court to be heard on the record in accordance with the procedures applicable before Circuit Judges with there being no right of trial de novo.
- You are entitled to hear all the testimony introduced against you.
- You have the right to cross-examine any witness who testifies against you.
- You have the right to testify in your own behalf. You also have a constitutional right not to testify. If you choose not to testify, your refusal cannot and will not be used against you in determining your guilt or innocence. However, if you choose to testify, the prosecutor will have the right to cross-examine you.
- You may call witnesses to testify in your behalf.
- You also have the right to have the court issue subpoenas for witnesses to ensure their appearance at trial. However, you must furnish the names, addresses and telephone numbers of these witnesses to the court, as soon as possible so that they may be located and subpoenas served at least ten days prior to the trial.

Presenting the Case

- As in all criminal trials, the County will present its case first by calling witnesses to testify against you.
- After each prosecution witness has finished testifying, you will have the right to cross-examine him or her. Your examination **MUST BE IN THE FORM OF QUESTIONS**. This is not a time to make a statement, and you must not argue with the witness. You will have an opportunity to make a statement later in the trial.
- After the prosecution has presented its case, you may present your case. You have the right to call any witness who knows anything about the incident.
- You may also testify in your own behalf, but cannot be compelled to do so.

AFTER THE TRIAL

The Verdict

The verdict of the Judge will be based on the testimony of witnesses who testified under oath and on the other evidence formally received.

Municipal Division

The Judge will base his/her decision only on the State Law or County Ordinance involved and the facts, as determined by the testimony and other evidence presented. When you testify, try to be fair and calm. Do not try to evade answering any questions.

REMEMBER: The County is not always right; that is why we have Courts. The Court is not always right; that is why you have the right to appeal.

Right to Appeal

If you are found guilty by the Judge and you are not satisfied with the judgment (verdict) of this court, you have the right to appeal the verdict. If your trial was heard on the record, you have the right to appeal to the Missouri Court of Appeals, Eastern District. If your trial was not heard on the record, you have the right to appeal to the 23rd Judicial Circuit Court for a new trial.

ONLY CASES IN WHICH A PLEA OF NOT GUILTY WAS ENTERED MAY BE APPEALED.

If you do appeal, you must pay a filing fee per case to cover the cost with the Court Clerk, who will forward the money and the case file(s) to the Court of Appeals or Circuit Court. You must file this appeal within ten (10) days of the judgment. If the judgment is not appealed within ten days, it become final, and you must pay the fines and costs assessed by this court. You will be notified of a new court date.

Fines

The amount of fine assessed by the Court is affected by the facts and circumstances of the case. Mitigating circumstances may lower the fine. However, aggravating circumstances may increase the fine. In no case may the fine exceed \$1000.00. All fines are deposited in the General Revenue of the County.

FAILURE TO APPEAR AND PAY FINES BY THE DATE SPECIFIED BY THE JUDGE WILL RESULT IN A WARRANT BEING ISSUED FOR YOUR ARREST.

If you are found guilty of an offense, court costs will be added to the fine. Court costs are required by state law and are remitted both to the General Revenue of the County and to the State Department of Revenue. Court costs in the Jefferson County Municipal Court are \$85.50, as of December 2016.

ANSWERS TO QUESTIONS FREQUENTLY ASKED IN MUNICIPAL COURT

Q: Is there a way to pay for a ticket without appearing in Court?

A: Some tickets can be paid without appearing in Court. You must, however, pay the ticket on or before your court date. If the ticket is not paid on or before your court date and you do not appear in court, a warrant for your arrest may be issued.

Q: What if I need to change the date of my arraignment or trial?

A: If you need to change the date of your arraignment, contact the office of the Municipal Court Clerk at (PHONE #). It is within the Court's discretion to grant delays or continuances from the Court date, but the Court is reluctant to change Court dates. Before granting a continuance, the Court may require written proof of your excuse. If you need to change your trial date, you are required to personally appear before the Judge to request a continuance. You must contact the Court at least 72 hours prior to your trial date.

Q: What if I do not appear in Court on the date set for my arraignment or trial?

A: A warrant may be issued for your arrest. If a warrant is issued, you will be required to post bond or be taken to jail and required to remain in jail until the earliest court date. Also, you may pay a fee when a warrant is issued.

Q: Do I have the right to be represented by an attorney?

A: Yes. You have the right to hire an attorney and have him or her speak for you in Court. If jail is the possible punishment, you may request a court appointed attorney. If you are financially eligible, an attorney will be appointed to represent you and the attorney will be paid for by the Jefferson County. Do not contact the State of Missouri Office of the Public Defender. They do not represent individuals in Municipal Court cases.

Q: Do I have the right to trial by jury?

A: You do have the right to request a trial by jury. There is a filing fee that is required by the Circuit Court and an application must be filed in order to transfer the case to the Circuit Court level for a jury trial.

Q: How do I make sure my witnesses will show up for trial?

A: The name and address of the witness(es) should be given in writing to the Municipal Court Clerk at least ten days before your trial date, the Court will then subpoena the witness to appear for trial. If you do not ask for a subpoena to be issued for your witness and for any reason the witness fails to appear, you may be required to go to trial without the witness' testimony.