

## Court Appearances: What to Expect

One of the goals of the Festus Municipal Court is to help you resolve your tickets and charges. Please remember that an inability to pay a fine at the time of your court appearance is not grounds for an arrest; you can arrange a later payment date. However, not appearing in court when you've been summoned to do so may make you subject to a warrant being issued for your arrest and additional charges and fines for failing to appear.

## Court Rules

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Your presence in Municipal Court may be your first experience in any court. The following information has been prepared to help you understand the court proceedings and to inform you of your rights and duties. Every person should leave this court feeling that he or she has had a fair and impartial trial or hearing.

- Municipal Court is the judicial branch of city government, and is a part of the state judicial system.
- Criminal cases, which are Ordinance violations for which the maximum fine, upon conviction, does not exceed \$500 and/or 90 days in the City jail, are tried in Municipal Court.
- Trials are conducted under the rules set forth in the Missouri Revised Statutes and Court Rules.

### Before Court Begins

Proper attire is required for a court appearance. Sleeveless shirts, shorts and/or hats are not suitable for court.

As the Judge enters the courtroom, please rise. Afterwards, please be seated. Talking, drinking and smoking are prohibited while court is in session. When called, come forward and wait to be summoned 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:

- Not Guilty

- Guilty, or
- Guilty with an explanation

If you signed a citation in front of an officer, you did not plead guilty, but only signed a promise to appear in court on your appearance date.

Your decision on what plea to enter is the most important decision you will have to make. We suggest that you read the following explanations before entering your plea. If you decide that you would like to seek the services of an attorney, please inform the Judge and you will be given time to do so.

### **Plea of Guilty**

By a plea of guilty, you admit that you committed the act charged, that the act is prohibited by law, and that you have no defense for your act.

Before entering a plea of guilty, you need to understand the following:

- The City has the burden of proving its case against you. You have the right to hear the City's evidence and to require it to prove its case. The law does not require you to prove anything.
- If you were involved in a traffic accident at the time of the alleged offense, your plea of guilty could be used later in a civil suit for damages as an admission by you that you were at fault or were the party responsible for the accident.

You are URGED not to plead guilty if you do not feel that you are guilty.

### **Plea of Guilty with an Explanation**

This plea has the same effect as a plea of guilty, but says that you would like to explain to the Judge the circumstances surrounding the offense with respect to the punishment only.

In both cases of a plea of guilty, a fine may be assessed. The explanation to the Judge may or may not have an effect on the amount of the fine assessed.

### **Plea of Not Guilty**

A plea of not guilty means that you deny guilt and that the city must prove its charges 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 trial. You may defend yourself, but no one else except an attorney may represent you.

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

## The Trial

Under Missouri law, you can be brought to trial only after a formal complaint has been filed. The complaint is the document that alleges what you are supposed to have done, and that your action was unlawful.

- 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. You must make this request in writing to the Circuit Clerk of Jefferson County in Hillsboro, MO.
- You are entitled to hear all 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 do 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 subpoena your own witnesses. The court can provide you with the forms needed to do so.

## Presenting the Case

As in all criminal trials, the City 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 a question. 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.

## The Verdict

The verdict of the Judge will be based on the testimony that sounds most reasonable and on the facts presented during the trial. In making his determination, he will only consider the testimony of the witnesses who are under oath.

If you are found guilty by the Judge, he will announce the penalty. You have the right to appeal within 10 days of the Judge's ruling.

You may testify in your own behalf, but cannot be compelled to do so.

## Fines

The amount of fine assessed by the court is affected by the nature, 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 \$500 plus costs. All fines are deposited in the General Fund of the City of Festus.

### Court Costs

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 Fund of the city and to the State Department of Revenue. Court costs are currently \$26.50 per case.

### Right to Appeal

If you are not satisfied with the judgment (verdict) of the court, you have the right to appeal the verdict to the Jefferson County Circuit Court. If you do appeal, you must post **\$31.00** (either certified check or money order made payable to the Jefferson County Circuit Clerk) to cover court costs with the Court Clerk who will forward the money and the case files to the Circuit Court in Hillsboro. You will be notified of a new court date by Jefferson County, and your case will be heard again by another judge in its entirety. You must file this appeal within 10 days of the judgment. If the judgment is not appealed within ten days, it becomes final and you must pay the fines and costs assessed by this Court.

### The Municipal Court

The Judge will base his decision only on the State Law or City Ordinance involved and the facts as determined by the testimony and other evidence presented.

Read and signed by the Judge, Edward Page on April 18, 2017.