



Your Rights in Municipal 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. 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 government, and is part of the state judicial system.
- Misdemeanor 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 Rules of Evidence.

BEFORE COURT BEGINS

As the Judge enters the courtroom, please rise. Afterwards, please remove your hat and be seated. There is no talking, drinking, or smoking during court. When your name is 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:

1. Guilty
2. Guilty with an explanation, or
3. Not guilty.

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 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:

1. 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.
2. 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 partly 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 mitigating circumstances with respect to the punishment only.

In both cases of a plea of guilty, a fine will be assessed. The mitigating circumstances explained 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 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 your plea is 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 allegations against you as contained in the formal complaint "beyond a reasonable doubt," before a verdict of guilty can be reached.

THE MUNICIPAL COURT ACCEPTS MASTERCARD & VISA FOR PAYMENT.

THE TRIAL

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.

- You have the right to inspect the complaint before trial, and have it read to you at trial.
- 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 on your own behalf. You also have the 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 on 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 one week prior to the trial.

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 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.

THE VERDICT

The Verdict of the Judge will be based on the testimony which sounds most reasonable and on the facts presented during the trial. In making this 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 should be prepared to pay the fine at that time. You may request an extension of time to pay. This will be taken up at the end of court, or an extension of ten (10) days to appeal the ruling of the Judge. The Notice of Appeal must be filed with the Municipal Court Clerk within ten (10) days after the verdict.

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 \$500. All fines are deposited in the General Fund of the City of Branson, Missouri.

COURT COST

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.

RIGHT TO APPEAL

If you are not satisfied with the judgment (verdict) of this court, you have the right to appeal, you must post \$30.00 (either certified check or money order) to cover court costs with the Court Clerk who will forward the money and the case files to the Circuit Court in Taney County. You will be notified of a new court date and your case will be heard again by another judge in its entirety. You must file this appeal within ten (10) days of the judgment. If the judgment is not appealed within ten days it becomes final, and you must pay the fines and cost assessed by the Court.

THE MUNICIPAL COURT

The Judge will base his decision only on the State Law or City Ordinance involved with 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 City is not always right; that is why we have courts. The defendant is not always right; that is why we have officers. The Court is not always right; that is why you have the right to appeal.