

YOUR RIGHTS IN THE MUNICIPAL COURT

Your presence in the Grandview Municipal Court 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 city government, and is a part of the state judicial system.

Misdemeanor criminal cases are tried in the Municipal Court. They are ordinance violations, major traffic violations and minor traffic violations for which the maximum fine, upon conviction, does not exceed \$500.00 and/or 90 days in jail or a maximum fine of \$270.50 for minor traffic violations.

Trials are conducted under the rules set forth in the Missouri Revised Statutes and Rules of Evidence.

1)BEFORE COURT BEGINS

As the Judge enters the courtroom, please rise. Afterwards, please remove your hat and be seated. There is no talking, drinking, chewing gum or smoking during court. The Judge will call your name in the order in which you checked in with the clerk. When your name is called, you should be prepared to plead either:

1. **Guilty**
2. **Guilty plea with explanation, or**
3. **Not Guilty**

During the court session, once your name is called and you go before the Judge. The violations that you are alleged to have committed will be read.

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. By entering a Not Guilty plea.

2)PLEA OF GUILTY

By a plea of guilty, you admit that you committed the act charged, that law prohibits the act, 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, and 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.

3)PLEA OF GUILTY WITH AN EXPLANATION

The 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.

4)PLEA OF NOT GUILTY

A Plea of not guilty means that you deny guilt and that the City must prove its charges against you.

If you plead not guilty, you will need to decide whether to hire an attorney to represent you at trial. If you choose you may defend yourself at the trial,

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

Under the 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 a trial.

You have the right to have your case tried before a jury if you wanted. To do this you must pay \$30.00 (money order) made payable to Jackson County Circuit Court, but processed with the Grandview Municipal Court Clerk so that the case can be certified to the Circuit Court in Jackson County. This is the cost of filing for a jury trial in the Circuit Court.

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 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 subpoenas may be processed for service, at least one week prior to trial.

5)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. 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.

6)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 his determination, he will only consider the testimony of the witnesses who were under oath.

If the Judge finds you guilty, he will announce the penalty. The judge will set an appeal bond at the time of sentencing should you decide you wish to appeal the case to the Circuit Court. You have 10 calendar days for file an Appeal. If you do not perfect an appeal within the 10 ten day filing period the assessed fines and fees become due at that time. You should be prepared to pay the fines and fees at that time. You may request an extension of time to pay or an extension to pay your fines by a request to the judge. The Notice of Appeal must be filed with the Municipal Court Clerk within ten days after the verdict with all pertinent appeal bonds and filing fees..

7)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 \$500.00 maximum fine and/or 90 days in jail on ordinance violations to include major traffic violations and a maximum fine of \$270.50 for minor traffic violations. All fines are deposited in the General Fund of the City of Grandview.

8)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 monthly to the General Fund of the City, to the State Department of Revenue and other organizations as authorized by law. Court costs are \$29.50.

9)RIGHT TO APPEAL

If you are not satisfied with the judgment (verdict) of this court, you have the right to appeal the verdict to the Jackson County Circuit Court. If you do appeal, you must post \$30.00 (Cashier's Check or money order) to cover the court costs with the Court Clerk who will forward the money and the case files to the Jackson County Circuit Court. You will be notified of a new court date and another Judge will hear your case again in its entirety. You must file this appeal within ten 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 the Court.

10)THE MUNICIPAL COURT

The Judge will base his decision only on the State Law of the City 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.

(12/03/15)