

VILLAGE OF FOUR SEASONS MUNICIPAL COURT
133 Cherokee Road, Village of Four Seasons, Missouri 65049 (573) 365 – 3833

YOUR RIGHTS IN MUNICIPAL COURT

Your presence 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 City Government, and is a part of the State Judicial System.
- Misdemeanor criminal cases, which are ordinance violations for which the maximum fine, upon conviction in most cases, does not exceed \$500 and/or 90 days in the county 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 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:

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 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 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 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 a 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 to have it read to you at trial.
- You have the right to have your case tried before a jury if you so desire. To do this you must pay \$30.00 (certified check or money order) to the Municipal Court Clerk so that the case can be certified to the Circuit Court of Camden County. This is the cost of filing for a jury trial in the Circuit Court.

- You are entitled to hear all testimony introduced against you.
- You have the right to cross-examine any witness who testified 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 guilty 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 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 the case first by calling witnesses to testify against you.

After a 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 testify in your own behalf, but cannot be compelled to do so.

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 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 should be prepared to pay the fine at that time. You may request an extension of time to pay or an extension of ten (10) days to file an appeal of the ruling of this Judge. This 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. For Minor Traffic Violations, the fine may not exceed \$225. Any person that successfully applies to proceed as an indigent in a

municipal division case shall have alternative sentencing available.

COURT COSTS

If you are found guilty of an offense, 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 range between \$12.00 and \$20.50. Any person that successfully applies to proceed as an indigent shall have court costs waived.

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 Camden County Circuit Court. If you do appeal, you must post \$30.00 (either certified check or money order) to cover the court costs with the Court Clerk who will forward the money and the case will be heard again by another judge in the 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 costs assessed by the 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. 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.

I acknowledge I have read and understood the contents of this form, "Your Rights in Municipal Court."

Printed Name

Signature