

Your Rights & Duties

“KNOW YOUR RIGHTS”

- **Right to know when the court is open** Municipal court is open 8:30 A.M. to 4:30 P.M. Monday through Friday with the exception of holidays.
- **Right to attend court** Municipal courts in Missouri are open to the public.
- **Right to access court records** If you have a case in municipal court, you have the right to see the court records for your case. This includes records that show charges, court rulings, fines, and other information for your case.
- **Right to an attorney** You have the right to be represented by an attorney and may hire one at any time. When you first appear in court, you can ask to postpone the hearing one time so you can hire an attorney. However, you are not required to have an attorney represent you. You may represent yourself.
- **Right to trial**
- **Right to have a judge decide if you can afford a lawyer or afford to pay fines**
- **Right to a court-appointed attorney**
- **Right to release pending hearing**
- **Right to request a different judge**

WHAT IS MUNICIPAL COURT?

You are appearing in the Municipal Court of one of the following cities:

- ✓ Benton
- ✓ Kelso
- ✓ Miner
- ✓ Morley
- ✓ Oran

in Scott County, Missouri, a division of the 33rd Judicial Circuit of Missouri. The Missouri Constitution states that a Municipal Court shall have jurisdiction to hear cases involving city ordinance violations. The purpose of these courts is to provide you with a place to obtain a fair and impartial trial on any alleged violation of a city ordinance. Municipal courts are a court of law established to protect the rights of all citizens. If there is anything you do not understand, do not hesitate to ask the judge any questions.

THE FIRST APPEARANCE IN COURT FOR ARRAIGNMENT

At this first appearance the judge will tell you the charge(s) filed against you and the penalty range of the charges; the judge will give you time to consult or hire an attorney to represent you at your expense, unless you ask for and qualify for the appointment counsel; and the judge will tell you that you have the right to remain silent about the facts of your case at all times including during a trial. You will have an arraignment in front of the judge where you will have to enter a plea of not guilty or guilty to each charge filed against you. If you make statements, other than your plea, those statements may be used against you if you plead not guilty and go to trial.

A NOT GUILTY PLEA

This plea means you do not agree that you committed the city ordinance violation(s) charged by the prosecutor. If you enter this plea, the court will set your case for a pre-trial conference with the prosecuting attorney OR set your case for trial. It is your choice which order is entered by the court.

A GUILTY PLEA

If you plead guilty, you are telling the court that you did all of the elements of each of the ordinance violation(s) you are charged with by the prosecutor. By pleading guilty you will be giving up the following rights: the right to an attorney; the right to a trial by judge or jury; the right to persist in a plea of not guilty; the right to cross-examine the city's witnesses at trial; the right to present witnesses at trial; the right to testify in your own defense at your trial if you decide not to remain silent at the trial; and the right to appeal the judgment if you are found guilty. The court will also make sure it is your idea to plead guilty and that no one is making you plead guilty against your will. If you have any mental or physical ailment that

would affect your decision to plead guilty, you should tell the judge at the time of your plea. The court will also determine that a factual basis supports your plea of guilty to the charge(s).

If the court accepts your plea of guilty, the judge will give the prosecutor and you a chance to talk about your case and what the punishment should be.

After hearing both sides, the judge will assess a penalty. Remember IF YOU PLEAD GUILTY THE COURT WILL FIND YOU GUILTY AND ASSESS A PUNISHMENT.

RIGHT TO TRIAL

If you plead not guilty and request a trial your case will be scheduled for another date in the future for your trial. When your case is scheduled for trial, it will be in the same municipal court in which you appear today, UNLESS you request a jury trial. A request for a jury trial should be made by written motion 10 days prior to the scheduled trial date. If the motion is timely, your case will be sent to the presiding judge of the circuit court for a new trial date with a jury.

At trial, you have a right to testify or remain silent. If you remain silent, it is not considered an admission of guilt. If you testify, the judge may consider any statement you make in deciding your guilt or innocence and you may also be questioned by the prosecutor.

At trial, you have the right to ask questions of witnesses testifying against you. You have a right to require witnesses to come to trial and testify with a subpoena. At the trial, the prosecutor must prove your guilt beyond a reasonable doubt.

If you are found not guilty, the case ends. If you are found guilty, you can accept the decision or appeal to the circuit court. If you appeal your case, you will be granted a new trial before a different judge. The request for appeal must be made within 10 (ten) days of the court's decision and cannot be extended for any reason. You can appeal even if you are not able to pay. Payment of any portion of the fine or failure to file within ten days forfeits your right to appeal. [Complete details of the appeal procedure](#). You may also ask the clerk for information on the process.

At the trial, the city prosecutor will first present evidence against you. Then you will have a chance to tell your side of the story. At the trial, the prosecutor must prove your guilt beyond a reasonable doubt. The prosecutor will call witnesses to testify about the facts alleged in the charge. When each witness has finished answering the prosecutor's questions, you or your attorney will have the right to question the witness. This is called cross-examination. *Cross-examination is not a time when you can testify or argue with the witness.*

After all witnesses for the city have testified, you will have an opportunity to present your case. You may testify and you may call witnesses to testify; however, you are not required to testify. If you do testify, you may also be questioned by the prosecutor.

After you have presented your case, the prosecutor has the right to present "rebuttal" evidence. Rebuttal evidence is evidence that explains or denies your evidence.

After all witnesses have testified, each side may give a closing argument. The judge must then decide if you are guilty or not guilty. If you are found guilty, the judge will assess a punishment, considering the seriousness of the offense and any explanation offered by you during your evidence. If the judge finds you not guilty, you are free to go.

TRIAL PROCESS

1. The case is ready to be heard by the judge.
2. Witnesses are given an oath to testify.
3. The city's witnesses explain their version of what happened.
4. You or your attorney can ask questions of the City's witnesses. This is called cross-examination. Cross-examination is not a time when you can testify or argue with the witness.
5. You may testify and call witnesses to explain your version of what happened.
6. If you and your witnesses testify the city prosecutor may question you and your witnesses and has the right to present "rebuttal" evidence. Rebuttal evidence is evidence that explains or denies your evidence.
7. The judge makes the decision.

PUNISHMENT AND FINES

If you plead guilty or are found guilty, you may face the following punishments or fines: In general the ranges of punishment are from \$1 to \$1000.00 and/or 1 day to 1 year in the jail OR less, plus costs; *Minor traffic violations*—up to \$225 total fine and costs. *Housing, zoning or building code violations*—up to \$200 total fine and costs for the first violation in a year, \$275 for the second violation in a year, \$350 for the third violation in a year, and \$450 for the fourth and any subsequent violation in a year. If your case involves a different range of punishment outside of these parameters you will be told what it is.

You may be able to pay your fines by mail, online, or in person instead of appearing in court. You may pay your fine in person, mail your payment via a money order (*we do not accept personal checks*), pay online at www.courts.mo.gov by selecting Missouri Case.net-Make a Payment.

If the City Prosecutor of your case is affiliated with Access My Tickets, you may use this tool to correspond with the Prosecutor. Access My Tickets can be found on www.courts.mo.gov- Missouri Case.net – Search for a Case.

APPOINTMENT OF COUNSEL

Appointment of Counsel If Jail is NOT a Possible Punishment – You do not have a constitutional right to a court appointed attorney if jail is **not** a possible sentence in your case. If you would like to talk to or hire an attorney at your expense, the court will give you time to do that before you make any final decisions in your case. **Do not contact the State of Missouri Public Defender's Office** because they cannot represent persons charged in Municipal Court, only persons charged in State Court. You may exercise your right to counsel at any time.

Right to court-appointed attorney if Jail is a Possible Punishment – If the court or the prosecuting attorney will not waive a jail sentence as a possible punishment you will be given time to consult or hire an attorney at your expense before entering a plea to your charge(s). If you want an attorney, but cannot afford one because you are disabled or qualify as an indigent person, you have a **Right to have a judge decide if you can afford a lawyer or pay fines.** You can also request the judge to decide if you are able to pay court fines or to be granted an alternative sentence. You may be required to fill out paper work about your finances as a part of this process and have a hearing before the judge makes this determination.

RIGHT TO RELEASE PENDING HEARING

If you are in jail for a municipal court charge, you have the right to be released unless the court decides you need to be in jail for the protection of the community. If the court orders your release from jail, there may be conditions on your release, including bail.

RIGHT TO REQUEST A DIFFERENT JUDGE

You may request a change of judge for any reason within ten (10) days after you enter your initial plea. If it is past the ten (10) days, then you must show cause why the judge should be changed. In addition, a judge may decide he or she cannot hear the case if they have a conflict of interest in the case or the judge will appear as the prosecuting attorney in a neighboring county where the prosecuting attorney will serve as judge.

OTHER INFORMATION TO KNOW

If you need the services of a sign or foreign language interpreter please tell the bailiff or court personnel immediately.

If you are a non-U. S. citizen

If you do not have the proper documentation to be in the United States, you should know that a guilty plea or conviction may result in your deportation, denial of admission to the United States, or you may be denied naturalization under United States law. You may wish to speak with an attorney, especially before entering a guilty plea to any charges.

If you need ADA accommodations

You have rights under the Americans with Disabilities Act (ADA). For example, if you or a witness are deaf or hearing impaired, you have the right to request assistance, including an interpreter. For help, please contact the court's ADA coordinator. If you need help with other ADA disabilities, please call (573)751-4377 or send an email to access2justice@courts.mo.gov.

While in the courtroom, please: Stay seated until your case is ready to be heard by the judge. Do not smoke or consume food or drink. Silence any phones or pagers, and remain quiet. Do not sleep or disrupt the court proceedings.

FREQUENTLY ASKED

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 first appearance/arraignment?

A: If you need to change the date of your arraignment, contact the office of the municipal court clerk at 573-545-3576. You may also send your request for continuance by emailing the court at circuitclerk@scottcountymo.com. It is within the court's discretion to grant delays or continuances from the court date. Before granting a continuance, the court may require written proof of your excuse.

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

A: The court may issue a warrant for your arrest and set a bond. If a warrant is issued you will need to appear in court to surrender on the warrant or you may be arrested and brought before the court by law enforcement at any time. If the court does not withdraw the warrant, you will have to post your bond or remain in jail until your case is placed on a docket for court. Your failure to appear may also affect your driver's license in certain types of cases.