

YOUR RIGHTS AND DUTIES

WHAT IS A MUNICIPAL COURT?

The Municipal Court for the City of Webb City is a division of the 29th Circuit Court of Jasper County. Cases in the Municipal Court involve alleged violations of the City of Webb City laws. If you have received a ticket for a municipal ordinance violation, you have certain rights and responsibilities. The purpose of this brochure is to help understand these rights and responsibilities.

THE ARRAIGNMENT

An arraignment is your first appearance in Municipal Court. When you are given a ticket you are also given a court date and time to appear in Municipal Court. When you appear at your arraignment, your name will be called. When your name is called, approach the bench. The judge will read the charge that has been filed against you. If you do not understand the charge, ask the Judge to explain it. When the judge asks you how you plead, you must say either "Guilty" or "Not Guilty". "No Contest" pleas are not allowed in Municipal Courts.

A GUILTY PLEA

If you plead guilty, you are admitting to the Judge that you have committed acts which violate a valid City law. The Judge will then decide what penalty will be assessed. At this time, you will have an opportunity to tell the Judge any special circumstances that you believe lessen the seriousness of the violation. You cannot plead guilty and then in your explanation to the Judge say that you did not violate the law.

After listening to your explanation, the Judge will assess a penalty, considering the seriousness of the offense and any explanation offered by you. Remember, if you plead guilty, the Judge will find you guilty. Any explanation that is offered by you can only affect the penalty. When you plead guilty you will be giving up the following rights: To hire an attorney to represent you; to have a trial before a court; to call witnesses to testify for you; to testify for yourself; to a cross-examine any witness that the City may call; and, the right to appeal the judgment.

A NOT GUILTY PLEA

A plea of not guilty means you believe you have not violated the law. When you plead not guilty, the Judge will set a date for trial.

You do not need to be represented by an attorney if you want to plead not guilty. You may represent yourself at the trial. If you plead not guilty and later decide to change your plea to guilty, you must reappear in court.

THE TRIAL

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 you're guilty 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 the 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.

APPOINTMENT OF COUNSEL

If the Prosecuting Attorney is requesting that you be sentenced to jail for the violation for which you are charged, or it appears to the Judge that there is a reasonable likelihood that you will be sentenced to jail, the judge will notify you before accepting a plea of guilty or not guilty. If jail is a possible punishment and you're not financially eligible, the Court will appoint an attorney for you. You do not have a constitutional right to have an attorney appointed if jail is not a likely punishment.

RIGHT OF APPEAL TRIAL DE NOVO

If the Judge finds you guilty during trial, you have the right to appeal the decision. When you appeal, you are asking for a new trial. The new trial is called a Trial de Novo. Your application for Trial de Novo must be filed within ten days of the first trial. Payment of the fine or failure to file within ten days forfeits your right to appeal.

A filing fee and application of Trial de Novo must be filed with the Clerk before transferring the case to Circuit Court. This payment must be in the form of cash or money order ONLY.

If you wish to appeal, you must tell the Judge or a Municipal Court Clerk.