



ROLLA MUNICIPAL COURT

NOTICE OF RIGHTS IN MUNICIPAL COURT & GENERAL INFORMATION

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OVERVIEW OF MUNICIPAL COURTS

Municipal courts are authorized by the Missouri Constitution and are part of the Circuit courts. They are open to the public. 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. While this is a general overview of your rights in municipal court, each individual court may have local rules that apply to your case. Please check with your municipal court for the local court rules. 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.

YOUR RIGHTS IN MUNICIPAL COURT

RIGHT TO KNOW WHEN THE COURT IS OPEN: The Court Clerk's office is open Monday through Friday from 8:30 a.m. - 12:00 Noon and from 1:00 p.m. to 4:30 p.m. On the last business day of the month, the Court Clerk's office is closed at 3:30 p.m.

Traffic arraignments and hearings are normally held the 1st, 4th and 5th Tuesdays of each month, beginning at 5:30 p.m. Non-traffic arraignments, attorney cases, trials and hearings: once per month on the Thursday after the second Monday, beginning at 8:30 a.m. Court times, dates and places are subject to change. Contact the Court directly if you are unsure, or you can view details about your case, including the date, time and location of any hearings on Missouri Case.Net at www.courts.mo.gov/casenet/.

RIGHT TO ATTEND COURT: Municipal courts are open to the public.

RIGHT TO RELEASE PENDING TRIAL OR 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 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 A LAWYER: You have the right to be represented by a lawyer 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 a lawyer. You are not required to have a lawyer represent you. You may represent yourself.

RIGHT TO HAVE A JUDGE DECIDE IF YOU CAN AFFORD A LAWYER OR PAY FINES: If you want to hire a lawyer but can not afford one, you can ask that the Judge decide whether you qualify for a court appointed lawyer. You can also request the Judge to decide whether you are able to pay fines and/or court costs or to be granted an alternative sentence. In either situation, you may be required to fill out paperwork about your finances as a part of this process.

RIGHT TO COURT APPOINTED LAWYER: If you show that you can not afford a lawyer **AND** if the City is seeking to put you in jail, the Judge will appoint a lawyer to represent you.

RIGHT TO REQUEST A DIFFERENT JUDGE: You have the right to have your case heard by a different Judge. In order to have your case heard by a different Judge, you must file a written request no later than 10 days after the initial plea. If you timely file a written request, the Judge will grant your request, and a new Judge will be assigned to your case. If it is past the 10 day period, you must show cause why the judge should be changed.

RIGHT TO JURY TRIAL: You have the right to have your case heard by a jury of 12 people. All 12 jurors must vote that you are guilty before you can be found guilty. To have your case tried by

a jury, you must file a written request at least 10 days prior to the scheduled trial date. The Judge will grant every timely request. The case will transfer to the Circuit Court of Phelps County who will notify you of your next court date.

RIGHT AGAINST SELF-INCRIMINATION: You have the right to testify or to remain silent. If you remain silent, your decision cannot be used against you in determining your guilt or innocence. However, if you testify, the prosecutor will have the right to cross-examine you.

RIGHT TO BE PRESENT & CROSS-EXAMINATION: You have the right to hear the testimony against you, cross-examine the City's witnesses and examine any evidence presented against you.

RIGHT TO PRESENT EVIDENCE & SUBPOENA WITNESSES: You may call witnesses to testify and to present evidence on your behalf. You also have the right to have the Court issue subpoenas for witnesses to ensure their appearance at trial.

RANGE OF PUNISHMENT

The maximum range of punishment for your case depends upon which ordinance violation with which you are charged. In general, the range of punishment for Rolla ordinance violations is a fine of \$0 to \$500 plus Court costs or a jail sentence of 0 to 90 days in jail plus Court costs or some combination of fine, Court costs and jail time. If you are charged with a 'minor traffic offense' (as that term is defined in §479.350(3) RSMo) the maximum range of punishment is a fine plus court costs not to exceed \$225 and no jail sentence. Some other ordinance violations have a fine only and no jail sentence. The Judge will tell you of the range of punishment at the time of your arraignment.

PROCEDURE BEFORE TRIAL

ARRAIGNMENT: If this is your first time in court, you are probably here for arraignment. At the arraignment, the Judge will read your charges and advise you of the range of punishment. You will enter a plea of **GUILTY** or **NOT GUILTY**.

PLEA OF GUILTY: If you plead guilty, you admit: (1) you committed the act charged; and (2) the act is prohibited by law; and (3) you have no defense for your act. In some circumstances, your guilty plea could be used to enhance criminal penalties if you face any similar charges in the future and/or it may have an impact upon your driving privileges. You may be able to plead guilty without appearing in Court. You can ask the Court Clerk or go to the Frequently Asked Questions on the City's website www.rollacity.org/muncourt/muncourt.shtml.

PLEA OF NOT GUILTY: If you plead not guilty, you are: (1) denying guilt; OR (2) wish to require that the City prove its charge(s) against you. You are **URGED** to plead NOT GUILTY if you do not feel that you are guilty. If you plead not guilty and if you have not requested a different judge or a jury trial, your case will be set for two Court dates: (1) pretrial conference; and (2) trial. **YOU MUST APPEAR FOR BOTH COURT DATES.** If you do not appear for either Court date, a warrant will be issued for your arrest.

TRIAL PROCESS

The City will present its case first by calling witnesses to testify against you and presenting other evidence. After each prosecution witness has finished testifying, you or your lawyer can cross-examine each witness. After the prosecution has presented its case, you may present your case. You have the right to call any witnesses and present any evidence you wish the Judge to consider. You may also testify in your own behalf, but can not be forced to do so, as discussed above. Afterward, the Judge will make his or her decision. If you are found not guilty, the case ends.

RIGHT TO APPEAL

If you are found guilty, you can accept the decision or appeal to the Circuit Court. If you appeal your case, the original verdict is voided, and you will have a new trial in front of a different judge. Your request for an appeal must be made in writing within TEN (10) days of the Judge's verdict and cannot be extended for any reason. You can appeal even if you are not able to pay the statutory trail de novo fee. Complete details of the appeal procedure can be found at www.courts.mo.gov/page.jsp?id=831.

OTHER INFORMATION TO KNOW

PAYMENT METHODS

In-person payment methods: cash, checks or money orders.

Mail payment methods: checks or money orders. **DO NOT MAIL CASH.**

Online payment methods: Pay By Web at: www.courts.mo.gov/pbw/.

Any checks or money orders must be made payable to: **ROLLA MUNICIPAL COURT.**

CONTACT & LOCATION INFORMATION

COURT CLERK'S OFFICE:

Physical Location: Second Floor of Rolla City Hall, 901 North Elm Street, Rolla, Missouri.

Mailing Address: P.O. Box 979, Rolla, Missouri 65402.

Phone: (573) 364-8590 or (573) 364-7190; Fax: (573) 426-6935

Website: <http://www.rollacity.org/muncourt/muncourt.shtml>; E-Mail: court@rollacity.org

ROLLA MUNICIPAL COURTROOM:

Physical Location: First floor of Rolla City Hall, 901 North Elm Street, Rolla, Missouri.

IF YOU ARE A NON-U.S. CITIZEN: If you are not a citizen, you are hereby advised that a plea of guilty or a conviction of the offense for which you have been charged may result in deportation, denial of admission to the United States or a denial of naturalization pursuant to the laws of the United States. You may wish to speak to a lawyer before you plead guilty to any charges.

Si Usted no es ciudadano estadounidense, la Corte le informa por medio de este presente que una declaración de culpabilidad o una condena por el delito del cual se le ha acusado puede resultar en la deportación, la inadmisibilidad de admisión a los Estados Unidos, o la denegación de naturalización conforme a las leyes de los Estados Unidos de América. Es posible que deee dirigirse un abogado antes de declararse culpable de cualquier cargo.

IF YOU NEED ADA ACCOMMODATIONS: You have rights under the Americans with Disabilities Act (ADA). For example, if you or a witness is deaf or hearing impaired, you have the right to request assistance, including an interpreter. For help, please contact the Court's ADA coordinator. A list of ADA coordinators can be found at <http://www.courts.mo.gov/page.jsp?id=180>. If you need help with other ADA disabilities, please call (573) 751-4377 or send an e-mail to Access2Justice@courts.mo.gov.

MY NEXT COURT DATE IS _____ AT _____ A.M./P.M.

