

# CITY OF DES PERES MUNICIPAL COURT GENERAL INFORMATION & YOUR RIGHTS IN COURT

## WHAT IS A MUNICIPAL COURT?

The municipal court for City of Des Peres is a division of the 21<sup>st</sup> Circuit Court of St. Louis County. Cases in municipal court involve alleged violations of City of Des Peres ordinances. If you have received a ticket for a municipal ordinance violation, you have certain rights and responsibilities. The purpose of this information is to help you understand these rights and responsibilities. **If you cannot read or understand this information, for any reason, including your need of the services of an interpreter, please let the Court Administrator know BEFORE you speak to the Judge.**

## 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 either say "Guilty" or "Not Guilty". You may also request a continuance to speak with a lawyer before you enter a plea.

## APPOINTMENT OF COUNSEL

If the Prosecuting Attorney is requesting that you be sentenced to jail for the violation for which you are charged, the Judge will notify you **BEFORE** you enter a plea of guilty or not guilty. If jail is a possible punishment and you cannot afford an attorney, 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 possible punishment.

## Before Court Begins

Make sure to sign in on the sign in sheet outside the courtroom. Please dress appropriately. As the Judge enters the courtroom, the bailiff will ask you to rise. Remain standing until the Judge is seated. There is no drinking or eating in the courtroom. There is also no smoking allowed inside the building. Please be respectful and silence all electronic devices.

## **A GUILTY PLEA**

If you plead guilty, you are admitting to the Judge that you have committed acts which violate a valid city ordinance. The Judge will then decide what penalty will be assessed. At this time, you will have the 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 type of seriousness of the offense and any explanation offered by you.

When you plead guilty, you will be giving up the presumption of innocence and the following rights: To hire a lawyer to represent you; to have a trial before a Court or jury; to call witnesses to testify for you; to testify for yourself; to cross-examine any witnesses that the City may call; and the right to appeal the Court's judgement.

If you are not a citizen of the United States of America, you are hereby advised that a plea of guilty or a conviction of certain types of offenses heard in this Court may result in deportation, denial of admission to the United States of America, or a denial of naturalization pursuant to the laws of the United States of America.

*Ranges of Punishment:*

Minor Traffic Violations – Fines & Costs not to exceed \$225.00

All Other Offenses – Jail Time: Up to 90 Days in the St. Louis County Jail and/or Fines from \$1.00 to \$500.00/\$1000.00

Supervision by Court – 1 day to 24 months on probation for all charges.

## **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 re-appear in court.

## **THE TRIAL**

At the trial, the city prosecutor will first present evidence against you. Then you will have the 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 to testify or argue with the witness.*

After all witnesses for the city have testified, you will have an opportunity to present your case, if you wish to do so. You may call witnesses to testify in your defense. You also may testify in your own defense, if you wish to do so. If you do testify, you may be questioned by the prosecutor. You also have the right to remain silent at your trial and rely on your presumption of innocence and present no evidence of any kind at your trial.

After you have presented your case, the prosecutor has the right to present “rebuttal” evidence. Rebuttal evidence is evidence that may explain and/or contradict 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 offenses and any explanation offered by you during your evidence. If the Judge finds you not guilty, you are free to go without a punishment and your case will be a closed record as defined by Missouri law.

## **JURY TRIAL**

If you wish to have your case tried before a jury, you must notify the Judge prior to entering a plea. There is no fee for a jury trial request. An application for jury trial must be submitted to the court clerk. The jury trial will be held in Clayton, Missouri at the Circuit Court of St. Louis County Courthouse. Jury trials are not handled at the municipal court.

## **TRIAL DE NOVO**

If the Judge finds you guilty, after the trial at the municipal court, you have the right to request a Trial de Novo, which is a new trial by a different tribunal. Your application for Trial de Novo must be filed within 10 days of the first trial. Payment of any portion of the fine or failure to file within 10 days forfeits your right to a Trial De Novo. The new trial will be held in Clayton, Missouri at the Circuit Court of St. Louis County Courthouse.

An application for Trial de Novo must be filed with the Clerk before transferring the case to Circuit Court. The fee for Trial de Novo request is \$30.00. The court will determine if the defendant qualifies as indigent. If indigent, there is no fee for Trial de Novo.

If you wish to file a Trial de Novo, you must tell the Judge or the municipal court clerk. Forms are available for an appeal at the Violations Bureau.

## **AFTER COURT**

If you are assessed a fine, you **MUST** see a court clerk before leaving the building. Payment can be made in full or a payment agreement is available. The court also offers payments alternatives if you do not have the ability to pay the fines & costs. Failure to comply may result in a warrant being issued. Any other questions or concerns regarding Court procedures can be answered by court personnel.

