



City of Jackson

MUNICIPAL COURT

101 Court Street
Jackson, MO 63755

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Rights in Municipal Court

The Jackson Municipal Court is a division of the 32nd Judicial Circuit Court for Cape Girardeau County as authorized by the Missouri Constitution and is open to the public. The purpose of this court is to provide you with a place to obtain a fair and impartial trial on any alleged violation of a city ordinance. Your presence in court today may perhaps be your first experience with any court. The information in this flyer has been prepared to help you understand this court's proceedings and to inform you of your rights and duties. If there is anything you do not understand, do not hesitate to ask the judge any questions.

The Jackson Municipal Court office is open Monday through Friday from 8:00 a.m. to 5:00 p.m. (excluding holidays). The Judge hears cases for Municipal Court on the third and fourth Wednesday of each month starting at 12:00 p.m. (subject to changes).

Before Court Begins:

- There is no talking allowed while court is in session.
- Please remove all hats and sunglasses.
- All electronics must either be silenced or powered off.
- Food and drinks are not allowed in the court room.
- Proper dress (no shorts) and personal hygiene are required.

As the Judge enters the courtroom, please rise and listen to the bailiff's instructions. When your name is called, please approach the podium and speak clearly for the Judge to hear. The Judge will read the charge(s) that has been filed against you. If you do not understand the charge(s), ask the Judge to explain it. When the Judge asks how you plead to the charge(s), you must say either "Guilty" or "Not Guilty". Pleas of "No Contest" are not allowed in Missouri Courts. If you refuse to plead, the court shall enter a plea of Not Guilty and set the case for trial. Your decision on what plea to enter is an important decision. Please read the following explanations before entering a 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:

If you plead Guilty, you are admitting to the Judge that you have committed the charge(s) that was filed against you. If you would like to say something about any circumstances regarding the charge(s), you may ask for permission at this time. The Judge will then decide what penalty will be assessed at this time. All fines and costs are to be paid the day they are assessed. You cannot change your plea after the Judge has rendered a penalty. Before you enter a Plea of Guilty, you need to understand the following:

- The City has the burden of proving its case against you. You have the right to hear the City's evidence and require it to prove its case. The law does not require you to prove anything.
- If you were involved in a traffic accident at the time of the alleged charge(s), 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.

If you do not believe that you are guilty, do not plead guilty.

Plea of Not Guilty:

If you plead Not Guilty, you believe you have not committed the charge(s) that was filed against you and the City must prove its charge(s) against you. Because of the need to have the officer and any witnesses present, the judge will set the case for trial at a later date when you plead not guilty. You may choose to be represented by an attorney at trial or you may represent yourself. No one but an attorney may represent you or assist you at trial. At the time of the trial, the City will be required to prove all the charge(s) against you "beyond a reasonable doubt" before a verdict of guilty can be reached.

Right to Counsel:

You have the right to be represented by an attorney and may hire one at any time. When you first appear in court, you may ask to postpone the hearing one time so you can hire an attorney. You are not required to have an attorney represent you. You may represent yourself.

If you want an attorney, but cannot afford one, you can ask the judge to decide if you qualify for a court-appointed attorney. You will be required to fill out paper work about your finances as part of this process.

If you show you cannot afford an attorney, **and** the city is seeking to put you in jail, the court will provide an attorney to represent you.

If after being informed of your Right to Counsel, you request to proceed without counsel, the Judge will find that you knowingly, voluntarily and intelligently waived your Right to Counsel, have you sign a written waiver and have no duty to appoint counsel.

Request a Different Judge:

You may request a change of judge for any reason within ten (10) days after you enter your initial plea. The request must be made in writing and filed with the court clerk. 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.

A Trial:

Trials are conducted under the rules set forth in the Missouri Revised Statutes and Rules of Evidence. The City Prosecutor will present his/her evidence and/or witnesses against you; then you will have a chance to present your evidence and/or witnesses and to tell your side of the story.

- You are entitled to hear all testimony introduced against you and to cross-examine any witnesses who testify against you. 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 if you desire.
- You may call witnesses to testify on your behalf.
- You have the right to testify on 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 guilt or innocence. However, if you do choose to testify, the prosecutor will have the right to cross-examine you and the judge may consider any statement you make in deciding your guilt or innocence.
- You also have the right to have subpoenas issued for witnesses to ensure their appearance for trial. However you are responsible for having the subpoenas served. You can acquire a subpoena from the Court Clerk's office at least one week prior to trial. You will be required to fill in the subpoena form with the names and addresses of the witnesses. Upon the subpoena being served, the witness will be given the white copy and the yellow copy must be submitted to the Court Clerk's office prior to trial.
- You have the right to have your case tried before a jury if you desire. A request for a jury trial is to be made by a motion filed at least ten (10) days prior to the scheduled trial date. If the motion is approved, the Judge will order the case to be certified and transferred to the Presiding Judge of the Circuit Court for appointment of a new Judge for a hearing on this matter.

The Verdict:

Once the Judge has heard all the evidence and/or testimony, he/she will decide if you are guilty or not guilty of the charge(s) against you. In making the decision, he/she will only consider the testimony of the witnesses who were under oath at the time of testimony.

- If you are found guilty, the Judge will assess a penalty.
- If you are found not guilty, you are free to go.
- Any fine and court costs assessed must be paid the same day unless you request an extension of ten (10) days to appeal the ruling of the Judge.
- If you are not satisfied with the verdict of this court after a trial, you have the right to appeal the verdict to the Circuit Court. The Notice of Appeal (Trial De Novo) must be filed with the Municipal Court no more than ten (10) days after the verdict and cannot be extended for any reason. A filing fee of \$30 is also required when an appeal is filed. The Court Clerk will forward all the money and case files to the Circuit Court. You will be notified of a new court date and your case will be heard again by another Judge.
- If the verdict is not appealed within ten (10) days, it becomes final and you must pay the fines and costs assessed.

Release Pending Hearing:

If you are in jail for a municipal charge, you have the right to be released unless the court decides you need to remain in jail for the protection of the community or because you may not appear in court. If the court orders your release from jail, there may be conditions on your release, including bail.

Punishments and Fines:

If you plead guilty or are found guilty, you may face the following punishments or fines:

- 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.
- All other municipal code violations – up to \$500 fine plus costs.
- In addition to these fines and costs, certain violations may result in jail time. Such violations include any violation involving alcohol or drugs, violations endangering the health or welfare of others, or giving false information to a police officer. You may face up to 90 days in jail.

You may also request the judge to decide if you are able to pay court fines or to be granted an alternative sentence. You will be required to fill out paper work regarding your finances as a part of this process.

You may be able to pay your fines by mail, online or in person instead of appearing in court. Please check with the court clerk to get information on how you can pay fees and fines.

You may not be put in jail for failure to pay fines or costs unless the judge fines you have the ability to pay and are unwilling to pay or when alternative sanctions to jail are not sufficient.

Non-U.S. Citizen:

If you do not have 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.

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. 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 email to access2justice@courts.mo.gov.

Access to 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.