

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 may apply to your case. Please check with your local 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.

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.
5. You may testify and call witnesses to explain your version of what happened.
6. The City Prosecutor may question you and your witnesses, if you and your witnesses testify
7. The Judge makes the decision.

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 of 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 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 email to access2justice@courts.mo.gov

For additional information, case tracking, online payments visit

www.ofallon.mo.us



O'Fallon Municipal Court

Know your Rights

- Right to trial
- Right to know when the Court is open
- Right to attend court
- Right to an attorney
- Right to release pending hearing
- 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 access court records
- Right to request a different Judge

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.
Do not sleep or disrupt the court proceedings.

Right to know when the court is open

Every municipal court has different hours it is open. It is important that you check the court's website or call the court office to determine when it is open.

Right to attend court

Municipal Courts in Missouri are open to the public.

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 our release from jail there may be conditions on your release, including bail.

Right to access court records

If you have a case in the 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 have a judge decide if you can afford a lawyer or pay fines

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

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

Right to court-appointed attorney

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.

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.

Right to Trial

If you plead not guilty, your case will be scheduled for trial. Because of the number of cases the Court hears each month and the need to have officer and any witnesses present, your case cannot be heard that night. You will be given a future court date for trial.

When your case is scheduled for trial, it will be in the same Municipal Court in which you appear, UNLESS you request a jury trial. A request for a jury trial should be made by written notice 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 for a new trial date with a jury.

1. At trial, you have the 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.
2. At trial, you have the right to ask questions of the witnesses testifying against you.
3. You have the right to require witnesses to come to trial and testify with a subpoena.
4. If you are found not guilty, the case ends.
5. 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 days of the Court's decision and cannot be extended for any reason. You can appeal even if you are not able to pay. Ask the clerk for information.

Punishment and Fines

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

1. Minor Traffic Violations – up to \$225 total fine and costs.
2. Housing, zoning or building code violations – up to \$200 total fines and cost for the 1st violation in a year. \$275 for the 2nd violation in a year, \$350 for the 3rd violation in a year, and \$450 for the 4th and any subsequent violation.
3. All other municipal code violations – up to \$500.00 fine plus costs.
4. In addition to these fines and costs, certain violations may result in jail time. Such violations include but are not limited to any violation involving alcohol or drugs, stealing charges, violations endangering the health or welfare of others, or giving false information to a police officer. You may face up to a year in jail.