

WESTON
MUNICIPAL COURT

"NOTICE OF RIGHTS"

Weston Municipal Court
300 Main Street
Weston, MO 64098
(816) 640-2752 Court Office
(816) 640-2915 Court Fax

WHAT IS MUNICIPAL COURT?

The Municipal Court for the City of Weston is a division of the Circuit Court of Platte County. Cases in the Municipal Court involve alleged violations of the City of Weston 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 you 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 Missouri 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 that 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. Any explanation offered by you can only affect the penalty. When you plead guilty you are 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 cross-examine any witnesses that the city may call
- * the right to appeal the judgement

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 the trial. Generally, all trials will be held at the end of the docket call, the same evening as the arraignment, unless you need a continuance. You do not need to be represented by an attorney, you may represent yourself at trial.

THE TRIAL

At the trial, the City Prosecutor will first present evidence against you by calling witnesses to testify about the facts alleged in the charge and to present any physical evidence to the judge. You or your attorney will have the opportunity to ask questions of the prosecution's witnesses (cross-examine). ***Cross-examination is not the time for you to 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 witnesses have testified, each side may give a closing statement.

The judge will 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 are 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. A "*Statement of Financial Condition*" must be completed to show why you feel you are eligible for a court appointed counsel. The municipal court clerk has this form available at the reception counter.

SENTENCING: FINES AND COURT COSTS

If you plead guilty or are found guilty all fines and court costs are expected to be paid the night of court. If you are found not guilty or your case is dismissed by the court, there are no fines or court costs to be paid.

If you are unable to make full payment an "*Agreement to Pay*" form may be authorized by the judge. The court clerk will have you complete the form, discuss how much and how often you can make a payment. The judge will then signoff on the payment arrangements and you will receive a copy of the completed, signed form. Payments are due on each of Weston's scheduled court dates. If you are unable to make a payment, you must appear in court on your scheduled pay date and explain why you cannot make the payment.

Scheduled payments can be paid on the following website:

www.courts.mo.gov/pbw

Some additional fees apply for on-line payments.

COMMUNITY SERVICE

Upon completion of a "*Statement of Financial Condition*", proving your inability to pay fines and court costs, the judge may offer community service in lieu of payment.

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 (10) 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 Municipal Court Clerk before transferring the case to the Circuit Court. This payment must be in the form of cash or money order only, unless you qualify as indigent in which case you must complete a "*Statement of Financial Condition*".

Please notify the Judge or Municipal Court Clerk if you wish to appeal.

COURT ATTIRE

Please dress appropriately for court. Do not wear baseball caps or any unnecessary head covering. No tank tops or cut-off T-shirts, or shirts with offensive language. No bare feet are allowed in open court.

The following items are not allowed in Court:

- * Firearms or other weapons
- * Cell Phones unless turned off
- * Food or drink