



## CITY OF EXCELSIOR SPRINGS

MUNICIPAL COURT (816) 630-0209

201 E. BROADWAY, EXCELSIOR SPRINGS, MO 64024

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# Your Rights in Municipal Court

Your presence in Municipal Court today is perhaps your first experience in any court. This information has been prepared to help you understand the court proceedings and to inform you of your rights and duties. Every person should leave this court feeling that he or she has had a fair and impartial trial or hearing.

- Municipal Court is the judicial branch of city government, and is a part of the state judicial system.
- Misdemeanor criminal cases, which are Ordinance violations for which the maximum fine, upon conviction, does not exceed \$500 and/or 90 days in the county jail, are tried in Municipal Court.
- Trials are conducted under the rules set forth in the Missouri Revised Statutes and Rules of Evidence.

### BEFORE COURT BEGINS

As the Judge enters the courtroom, please rise. Afterwards, please remove your hat and be seated. There is no talking, drinking, or smoking during court. When your name is called, come forward and wait to be summoned before the Judge. The violations that you are alleged to have committed will be read and at that time you should be prepared to plead either:

1. Guilty
2. Guilty with an explanation, or
3. Not guilty.

If you signed a citation in front of an officer, you did not plead guilty, but only signed a promise to appear in court on your appearance date.

Your decision on what plea to enter is the most important decision you will have to make. We suggest that you read the following explanations before entering your 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

By a plea of guilty, you admit that you committed the act charged, that the act is prohibited by law, and that you have no defense for your act.

Before entering a plea of guilty, you need to understand the following:

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

You are **URGED** not to plead guilty if you do not feel that you are guilty.

### PLEA OF GUILTY WITH AN EXPLANATION

This plea has the same effect as a plea of guilty, but says that you would like to explain to the Judge mitigating circumstances with respect to the punishment only.

In both cases of a plea of guilty, a fine will be assessed. The mitigating circumstances explained to the Judge may or may not have an effect on the amount of the fine assessed.

### PLEA OF NOT GUILTY

A plea of not guilty means that you deny guilt and that the City must prove its charges against you.

If you plead not guilty, you will need to decide whether to employ an attorney to represent you at trial. You may defend yourself, but no one else except an attorney may represent you.

At the time of the trial, the City will be required to prove all the allegations against you as contained in the formal complaint "beyond a reasonable doubt", before a verdict of guilty can be reached.

### THE TRIAL

Under Missouri law, you can be brought to trial only after a formal complaint has been filed. The complaint is the document which alleges what you are supposed to have done, and that your action was unlawful.

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- You have the right to inspect the complaint before trial, and have it read to you at 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 motion filed at least ten (10) days prior to the scheduled trial date. If the motion is sustained, the Municipal 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 of this matter.
- You are entitled to hear all testimony introduced against you.
- You have the right to cross-examine any witness who testifies against you.
- You have the right to testify in 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.
- You may call witnesses to testify in your behalf.
- You also have the right to have subpoenas issued for witnesses to ensure their appearance for trial. However, you are responsible for having the witness subpoena served. You need to acquire the subpoena form from the Court Clerk's office at least one week prior to trial. You also must furnish and fill out the witness subpoena with the names, addresses, and if available, the telephone numbers of these witnesses. Upon the witness subpoena being served, the witness shall be given the yellow copy of the subpoena and the original copy must be submitted to the Court Clerk's office prior to trial.

### PRESENTING THE CASE

As in all criminal trials, the City will present its case first by calling witnesses to testify against you.

After each prosecution witness has finished testifying, you will have the right to cross examine him or her. 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.

After the prosecution has presented its case, you may present your case. You have the right to call any witness who knows anything about the incident.

You may testify in your own behalf, but cannot be compelled to do so.

### THE VERDICT

The verdict of the Judge will be based on the testimony which sounds most reasonable and on the facts presented during the trial. In making his determination, he will only consider the testimony of the witnesses who are under oath.

If you are found guilty by the Judge, he will announce the penalty. **Any fine and court cost assessed must be paid at that time** unless you request any extension of ten (10) days to appeal the ruling of the Judge. This Notice of Appeal must be filed with the Municipal Court Clerk within ten (10) days after the verdict.

### FINES

The amount of fine assessed by the court is affected by the facts and circumstances of the case. Mitigating circumstances may lower the fine. However, aggravating circumstances may increase the fine. In no case may the fine exceed \$500. All fines are deposited in the General Fund of the City of Excelsior Springs.

### COURT COSTS

If you are found guilty of an offense, court costs will be added to the fine. Court costs are required by state law and are remitted both to the General Fund of the City and to the State Department of Revenue. This includes recoupment of costs from alcohol or drug arrests associated with traffic violations.

### RIGHT TO APPEAL

If you are not satisfied with the judgment (verdict) of this court and you have plead not guilty, you have the right to appeal the verdict to the Clay County Circuit Court within ten (10) days. After the trial, if you want to appeal, inform the Judge or Court Clerk so the Judge can set your appeal bond. The Court will give you an extension of ten (10) days to appeal the ruling of the Judge or satisfy any sentence, fines, or court costs that were assessed. If you do appeal, you will be required to post a cash bond which is set by the Judge plus \$30.00 (cash) to cover filing fees and court costs on each case. The Municipal Court Clerk will forward the money and the case files to the Circuit Court in Liberty. You will be notified of a new court date and your case will be heard again by another Judge in its entirety. You must file this appeal within ten (10) days of the judgment. If the judgment is not appealed within ten days it becomes final and you must pay the fines and costs assessed by this Court.

### THE MUNICIPAL COURT

The Judge will base his decision only on the State Law or City Ordinance involved and the facts as determined by the testimony and other evidence presented. When you testify, try to be fair and calm. Do not try to evade answering any questions.

**REMEMBER:** The City is not always right; that is why we have courts. The defendant is not always right; that is why we have officers. The Court is not always right; that is why you have the right to appeal.