

Higginsville Municipal Court
1922 Main Street, Higginsville, MO 64037
(660)584-2106 Fax (660)584-2953

Notice of Rights in Municipal Court

(This information is provided to you as a courtesy of the Higginsville Municipal Court and should not be construed as legal advice)

Your presence in Municipal Court today may be 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 assured that he/she has had the free and unfettered right to take advantage of all the due processes of law, up to and including a fair and impartial trial or hearing.

Many people plead guilty and either pay fines and cost outside of court or pay their fine after a plea before the Court. However, every accused has the right to an impartial Judge-tried case in this Court. Due process includes:

The right to retain an attorney; The right to trial by Judge; The right to remain silent; The right to cross-examine witnesses; The right to compel witnesses to appear for you; The right to appeal from an adverse judgment to the Circuit Court after bench trial (trial de novo); any statement you make in court, may be used against you.

The court does not pre-judge cases, but views the accused as a fellow citizen who has been accused or charged with a violation of the law and entitled to full protection of law as referenced above. Although the Court has a duty to administer justice, it is also obliged to treat each person coming before it with dignity, courtesy and respect.

In criminal cases, it is not the burden of the accused to provide that he/she is not guilty; rather, it is the burden of the city prosecutor to prove "beyond reasonable doubt" that the defendant is "guilty." The Court must make this determination based on the evidence presented at trial and on the relevant ordinances, statutes, rules and case law. Absent such finding, or a plea of guilty, the defendant is deemed "not Guilty."

The maximum fine and sentence in the Municipal Court for a single offense is \$500 (\$225 if minor traffic) and/or 90 days in jail. Fines and costs may be paid by cash, money order, cashiers check, or personal check. Defendants may obtain continuances to allow themselves time to save money, payment is due at time of plea.

Many traffic offenses carry with conviction, assessment of points against driver's licenses, and accumulation of multiple points will jeopardize driving privileges. For residents of other states, a record of any assessment of points from convictions in Missouri is forwarded to the home state under the Interstate Non-Residential Compact Law. Conferring with legal counsel before entering a plea of any charge before the Court is encouraged.

The Court has a duty to protect and preserve its judicial and institutional dignity; persons appearing before the Court are expected to present themselves in a manner and dress that demonstrates appropriate respect for the Court. Gentlemen should remove hats when entering the Courtroom. There shall be no eating, drinking or smoking in the Courtroom and no talking during the Court session. All cell phones and pagers shall be turned off or "silenced."

Please come forward when the Judge or Prosecutor calls your name. The violation(s) of which you are accused will be read at that time, and you should plead "Guilty" or "Not Guilty." Your choice to plead "Guilty" or "Not Guilty" is an important decision. Please read the following explanations before entering your plea. If you decide to seek the service of an attorney, you should promptly inform the Court to enable the Judge to take your situation into consideration in scheduling your trial or plea.

The Municipal Court has no public defender. However, the Judge may appoint an attorney to represent a defendant if 1) the defendant provides proof under oath that they are indigent and have no means to hire an attorney; and 2) that there is a likelihood of jail if the defendant pleads guilty or is found guilty of the charge. Both requirements must be met in order to have an attorney appointed to represent you.

PLEA OF GUILTY

By a plea of Guilty (under most circumstances), you admit that you committed the act charged, that the act is prohibited by law and that you have no legal defense.

- 1) By pleading guilty, you are waiving your right to remain silent. Absent your plea of guilty, the City would have the burden of proving the case against you.
- 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.

PLEA OF NOT GUILTY

A plea of not guilty means you deny guilt and the City must prove its charge against you. Your case will be set for trial and will be tried at the end of the docket or on a future date. You will be given a date and time to appear at the time you plead not guilty.

If you plead not guilty, you must 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 trial, the City must prove the case 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 may be brought to trial only after a formal complaint has been filed. The complaint is the document that states what you are accused of, and that your action was unlawful.

- You have the right to have your attorney assist you through all stages of the proceedings.
- You have the right to inspect the complaint before the trial and have it read to you at trial.
- You are entitled to hear all testimony 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 if you choose.
- You may call witnesses to testify in your behalf.
- You also have the right to have the Court issue subpoenas for witnesses to ensure their appearance at trial. However, you must obtain proper service of the subpoenas on your witnesses.
- You may be represented by counsel, although it is not required. In cases in which conviction would likely result in a jail sentence, the Court will advise you to seek counsel and will appoint counsel if you are indigent.

PRESENTING THE CASE

As in all criminal trials, the City will present its case first by calling witnesses to testify against you. You will have the right to cross-examine each witness at the completion of his or her testimony. 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 the opportunity to testify later in the trial.

After the prosecution has presented its case, you may present your case. You have the right to call any witness knowing anything about the incident. You may testify in your own behalf, but cannot be compelled to do so. If you testify, the Prosecutor may cross-examine you.

THE VERDICT

The verdict of the Judge will be based on the facts proven during the trial. In making the determination, the judge will only consider the evidence admitted and testimony of witnesses who are under oath.

The Judge will announce the penalty if you are found guilty of the offense. You should be prepared to pay the fines and cost within ten (10) days of the Judge's ruling.

FINES

The facts and circumstances of the case and your own record affect the amount of the fines assessed by the Court. Mitigating circumstances may lower the fine, and aggravating circumstances may increase the fine. In no case may the fine exceed \$500 (\$225 if minor traffic) per offense. All fines are deposited in the General Fund of the City of Higginsville.

COURT COST

If you are found guilty of an offense, court cost will be added to the fine. Court cost are required by state law and are remitted both to the General Fund of the City and to the State Department of Revenue.

RIGHT TO APPEAL

If you are not satisfied with the judgment (verdict) of this Court, you have the right to appeal the verdict to the Lafayette County Associate Circuit Court. If you choose to appeal, you must pay a designated appearance bond (cash or money order) to cover filing fees, which will be forwarded to the Circuit Court along with your case files. If you pay fines assessed, you waive the right to appeal. In addition, you must post an appeal bond in an amount determined by the Judge. You will be notified of a new court date and another Judge will hear your case again in its entirety. You must file this appeal within ten (10) days of the judgment or the judgment becomes final and all fines and cost assessed must be paid to the Court.