

# **HAZELWOOD MUNICIPAL COURT**

## **COURT PROCEDURE AND YOUR RIGHTS**

### **PRIOR TO COURT**

Please check in with the court clerk in the front of the courtroom so your file will be pulled. After you have checked in you should take a seat in the courtroom. Turn off all cell phones, pagers, beepers or any other devices you may have which might make noise while court is in session. If a cell phone or pager interrupts Court proceedings it will be confiscated. During court there is no talking except to conduct court business.

Proper attire is required in Municipal Court. If the bailiffs determine that your attire is not appropriate you will be asked to leave the Court and change into appropriate attire. This will not relieve you of your responsibility to appear in 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 part of the state judicial system. The court is operated under the Revised Statutes of the State of Missouri and Rules established by the Supreme Court and the Circuit Court of St. Louis County.

You are appearing in court because you have been charged with an ordinance violation by the City of Hazelwood. This does not mean you are guilty of any offense.

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. Be sure to read this completely 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

### **OPENING OF COURT**

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, please form a line behind the podium. Your name will be called a second time by the Judge. You should then step up to the bench before the Judge. The charges will be read to you one at a time.

### **YOU HAVE THE FOLLOWING RIGHTS IN THIS COURT**

1. You have a right to be informed as to the nature of the charge against you and the minimum and maximum punishment for the charge;
2. You have the right to be represented by an attorney and an attorney may be appointed for you if you are indigent (unable to afford an attorney) **AND** it appears that there would possibly be a jail sentence upon conviction;
3. You have a right to have a trial, including a trial by jury;
4. At trial you have the right to question any witness who may testify against you;
5. You have the right to subpoena persons to testify on your behalf at your trial (a subpoena is an order from the court to a witness that they must appear at the trial);
6. You have the right to testify at your trial but neither the City nor anyone else can force you to testify;
7. If you had a trial and were found guilty you have a right to appeal that decision to another court.

### **IF YOU PLEAD GUILTY YOU GIVE UP ALL THE RIGHTS LISTED ABOVE**

You must first enter a plea. You may plead not guilty, guilty or guilty with an explanation.

## NOT GUILTY PLEA

If you enter a plea of **not guilty**, your case will be set for trial. You must appear on the date and at the time the trial is scheduled or a **WARRANT WILL BE ISSUED FOR YOUR ARREST**. At your trial, you should be prepared to present any evidence you believe will help you in your defense. You may subpoena witnesses to testify on your behalf. The court administrator will provide you the proper subpoena forms, but you must serve the subpoena personally upon the witness. You should also bring with you any documents or other evidence you wish to present to the court. The rules of evidence apply at your trial, which may prevent some evidence you may want to present from being admitted before the Judge. Both the City and you, the defendant, must comply with these rules during the trial.

## GUILTY PLEA

By a pleading guilty, you admit that you committed the act charged, that law prohibits the act, and that you have no defense for your act. This also relieves the City of its burden of proving its case against you.

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.

An example for this type of pleas is if you are charged with "Failure to Show Proof of Financial Responsibility" (no insurance). If you failed to show the police officer insurance at the time of the stop, but had insurance coverage at the time, you should present the proof of

insurance to the judge. If you have obtained insurance since you were stopped you should show that to the judge. Failure to show insurance is four points on your driving record. If you actually had insurance, the case will be dismissed.

If you plead guilty to a moving violation, you will receive points on your license unless you attend the Driver Improvement Program within 60 days. The cost is about \$50. You must ask the judge if you wish to attend.

In both cases of a plea of guilty or a finding of guilty, a fine most likely will be assessed. The mitigating circumstances explained to the Judge may or may not have an effect on the amount of the fine assessed. Payment of fines and court costs is expected tonight, but if you are unable to pay you must speak with the court clerk to make arrangements to pay. If you are given a new date for payment, if no payment is made and you do not appear on your court date, a warrant will be issued for your arrest and you may have your driver's license suspended.

## PUNISHMENT

After a plea of guilty or a finding of guilty, the court has the authority to assess court fines up to \$1000 and/or a jail sentence not to exceed 90 days.

## FINES

The amount of the fine assessed by the court is affected by the facts and the circumstances of the case. Mitigating circumstances may lower the fine. However, aggravating circumstances may increase the fine. In NO case may the fine exceed \$1000. All fines are deposited in the General Fund of the City of Hazelwood. It is expected that fines and costs be paid on your court date.

## Court Costs

Court costs of \$26.50 per case are added to any fine assessed. Court costs are required by state law and the ordinances of the City of Hazelwood and will be remitted to the General Fund of the City and the Missouri Department of Revenue.