



# **CITY OF FENTON**

## **THE MUNICIPAL COURT OF THE CITY OF FENTON**

### **YOUR RIGHTS IN COURT**

***HONORABLE CHARLES H. BILLINGS***  
JUDGE

***CHRISTOPHER GRAVILLE***  
PROSECUTING ATTORNEY

***JAN FISCHER***  
COURT CLERK

## **RIGHTS**

1. You have the right to be informed of the charges against you and the range of punishment for the charge.
2. The right to plead guilty or not guilty to any violation for which you have been charged.
3. The right to a trial, including the right to a trial by jury.
4. The right to counsel if the charge contemplates jail time.
5. The right to a continuance to obtain counsel and prepare a proper defense.
6. The right to a continuance to obtain the appearance of witnesses to testify for you and on your behalf .
7. The right to testify or not to testify in your own defense. The fact that you do not testify in your own defense creates no inference of guilt on your part.
8. The right to cross-examine any witnesses who testify against you.
9. In the event you are found guilty, you have the right to appeal to the Circuit Court of St. Louis County. If there is a question arising in your case which you do not understand or comprehend, please ask the court for interpretation or clarification.

## **GENERAL INFORMATION**

This court is part of the integrated court system of the State of Missouri. As such, the formalities which prevail in other trial courts shall be observed here.

1. Court will convene sharply at 5:30 p.m.
2. Smoking is not permitted in the courthouse building.
3. Any disruptive conduct including talking will not be permitted.
4. When a case is disposed of, the defendant and any witnesses involved are excused and may leave the courtroom.
5. All matters to be considered by the court will be disposed of without delay or interruption as time permits. Scheduled trials begin after the Judge has disposed of all cases on the current evening's docket.
6. The decision of the Judge is derived from testimony and

submitted evidence. It is their duty to remain impartial during this process. Should the Judge rule against a defendant in a case, the defendant always has the right to appeal the decision.

7. Court is not conducted as a source of revenue. No part of any fine or costs goes to the Judge, the Prosecuting Attorney, or any Police Officer or City Official.
8. In traffic cases, the objective of this court is to reduce the number of accidents and injuries and to make our streets safer. Careful driving is our daily responsibility and it is hoped that all can benefit from attendance in this court regardless of the disposition made in any particular case.

## **PROCEDURE**

The Missouri Rules of Practice and Procedure in Municipal and Traffic Courts which were promulgated by the Missouri Supreme Court govern the practice and procedure of this court.

Sequence of Events:

1. After court has convened, the Judge will make a few opening remarks.
2. The Judge will call the cases, at which time the Defendant and his lawyer, if accompanied by one, shall step forward and stand before the bench.
3. The Judge will read the charge, will ask the Defendant whether he or she pleads guilty or not guilty.
4. If a Defendant pleads NOT GUILTY, the case will be set for trial.

### **Punishment**

The court has the authority to assess fines up to \$1,000 and/or a jail sentence not to exceed 90 days on each charge. While most offenses are unlikely to result in a jail sentence, some of the more serious offenses (DWI, assault) carry that possibility, depending on the facts of the case. Some offenses, such as stealing or drug possession, may result in a jail sentence if it is not your first offense. Before trial, the Judge will determine if a jail sentence is likely upon conviction. If you are indigent, and the Judge believes that you would likely be sentenced to jail if

you are found guilty, you are entitled to have an attorney appointed by the court to represent you.

## **Fines**

In most cases. If you plead guilty or are found guilty, you will be assessed a fine. The amount of the 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. The mitigating circumstances explained to the Judge may or may not have an effect on the amount of the fine assessed. If you cannot pay your fine on your scheduled court date, the court will assign you a payment date in approximately 30 days. If you cannot make a scheduled payment, you must appear in court that evening to show good cause for your failure to pay.

**You can not be sentenced to jail for your failure to pay. Alternative sentences, such as community service, are available for indigent persons. If you show good cause for failing to pay, the Judge can modify your sentence or ask you to perform community service in lieu of payment of fines. However, if you fail to appear at your hearing, a warrant can be issued for your arrest, and the Court can use any means authorized by law to collect the judgement. You may be held in contempt of court and placed in jail if the Court finds that you have intentionally refused to pay your fines. If the Court intends to conduct a hearing to hold you in contempt for intentionally failing to pay your fines, you are entitled to have an attorney present. If you cannot afford an attorney, one will be appointed to you.**

**Court costs of \$24.50 per case are added to any fines assessed. Court costs are required by state law.**

Fines and costs may be paid by cash or by check made payable to the City of Fenton. If paid in person a cash receipt will be given at the time of payment. If payments are mailed, your check will be your receipt. You also have the option of paying online or by phone. Call 1-800-444-1187 or Visit: [trafficpayment.com](http://trafficpayment.com). Your ticket information and fine amount are required prior to submitting payment electronically.