

Donald L. Kohl
Judge, City of St. Peters

YOUR RIGHTS IN COURT

Your presence in the 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.

PROPER ATTIRE FOR COURT

The proper attire for Court shall NOT include shorts, tank tops, hats, or sun glasses. If you appear in Court wearing any of this attire; you will be asked to leave.

WHAT THESE WORDS MEAN

The Court's job is to decide all cases as the law requires. You need to know your rights and the meaning of words that are used in court BEFORE you go to court. Then you can better understand court operations and be ready for court when you get there. (Don't forget to read the traffic ticket or summons and the instructions on it.)

Traffic Ticket or Summons – command by court order to appear in court. Failure to appear may result in a warrant for your arrest.

Charge – what you are accused of doing.

Plea – to answer the charge in court.

Plead Guilty – to admit the charge.

Plead Not Guilty – to not admit the charge, or assert your innocence, or require the prosecutor to prove the charge. This is the default plea unless and until you plead guilty.

Defendant – the person charged with the traffic violation.

Continuance – having the judge change your case to another day in the future.

Subpoena ("sa-pee-na") – an order from the court that compels a person to come to court.

Prosecutor – the lawyer for the city.

Court Costs – the money needed to pay for the operation of the court system and other amounts as set by State law.

Testify – to speak under oath (swear to tell the truth) in court.

Witness – a person who testifies in court about something they know.

Appeal – to try to have a higher court hear the case again.

Arraignment – the reading of the charge(s) and formal entry of a plea of “Guilty” or “Not Guilty.”

WHEN YOU GET TO COURT

Check in with the Court Clerk upon arrival. Then have a seat in the court room.

When your name is called, walk up to the judge. The judge may ask you questions. You may answer the questions, or you may ask the judge to wait to answer the questions until you have a lawyer, or you may remain silent.

If you are charged with breaking the law, you are the defendant.

The judge will read the charge. If you do not understand it, ask the judge to explain it.

When the judge asks how you plead, you must say “guilty” or “not guilty.”

Remember, you have the right to:

- Have a reasonable time after you are charged with a traffic violation to get ready to answer the charge in court.
- Have a lawyer. The judge may provide you with a lawyer if you are unable to afford one and if you face the possibility of going to jail.

IF YOU PLEAD GUILTY:

The judge may ask you questions. You must answer them.

The judge will tell you how much money to pay as a fine and court costs or what sentence you must serve. Before you plead guilty, you have the right to ask the judge if you will go to jail.

YOU SHOULD PLEAD NOT GUILTY:

- If you did not do what you are accused of doing.
- If you are not sure that what you did was against the law.
- If you are asking for more time to get a lawyer, find witnesses of your own, or otherwise be more prepared.

TRIAL

If you do not have a lawyer and you think you need the help of one, you should contact one **BEFORE** going to court. You may also choose to proceed without a lawyer and represent yourself.

You have the right to bring witnesses to the trial. If you need the court to help bring witnesses, the court will give them subpoenas to tell them they must come to court for you.

However, you must furnish the names, addresses, and telephone numbers of these witnesses to the Court as soon as possible so that they may be located and subpoenas served, at least **three (3)** weeks prior to trial.

If you want a trial by jury, you may ask for one; the judge and/or clerk will tell you how to proceed.

The burden of proof is on the city to prove you guilty beyond a reasonable doubt.

The prosecutor must bring witnesses to tell what they saw and heard. You or your lawyer may ask them questions. The prosecutor has the right to ask your witnesses questions and if you testify, to ask you questions. (You don't have to testify if you don't want to.) There is no significance attached to not testifying in court.

If the judge decides that you are not guilty, the trial is over, and you may leave.

If the judge decides that you are guilty, the judge will tell you what the penalty is and what then to do.

PENALTIES

- Fine
- Jail
- Both fine and jail
- Other. The judge may include in the penalty an order to go to driver's school, alcohol safety school or other schools to help you better understand how to drive safely on the public street or highways. You must go to the school so you won't face more penalties, including a jail sentence.

APPEAL

Also known as "trial de novo," which means new trial.

If you are not satisfied with the Judgment (verdict) of this Court, you have the right to appeal the verdict to the St. Charles County Circuit Court. If you do appeal, you must post a \$30.00 filing fee (either certified check or money order); made payable to the Circuit Clerk of St. Charles County. The filing fee and case files will be forwarded to the Circuit Court once received by the Clerk of this Court. 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 (10) days it becomes final and you must pay the fines and costs assessed by this Court.