

Your Rights in Municipal Court

Your presence in Municipal Court today is perhaps your first experience in any Court. This brochure has been prepared to help you understand the Court proceedings and to inform you of your rights and duties. We want every person to leave this Court feeling that he or she has been treated fairly.

Municipal Court is the judicial branch of City Government. Traffic violations and violations of City Ordinances are tried in Municipal Court, and upon conviction carry a maximum fine of \$1,000.00 and a possible jail term of up to 1 year.

Trials are conducted under the Code of Criminal Procedure. Code for Municipal Courts and the Kansas Rules of Evidence as adopted by the Kansas Legislature.

APPEARANCE IN COURT

When you appear in Court you will be required to obey the following rules:

- 1) Your clothing must include a shirt, pants or skirt, and shoes.**
- 2) The wearing of hats and caps is not allowed.**
- 3) Food and drinks are not allowed in the Courtroom.**
- 4) While the Court is in session, talking is not allowed, except with authorized Court Personnel.**

RIGHT TO AN ATTORNEY

In all cases in the Municipal Court, you may have an attorney represent you.

When you are charged with an offense that may result in jail time as part of your sentence, you will need to decide whether you want to continue with or without an attorney. If you desire an attorney, and if the court finds you do not have the means to hire one, the Court will consider appointing an attorney for you. (You will have no choice in the selection of the attorney.) If the Court appoints an attorney to represent you, and **if you are found guilty or plead guilty to the charge, the Court can assess your attorney fees as part of the Court costs.**

BEFORE COURT BEGINS

- 1) Guilty
- 2) Nolo Contendere (No Contest)
- 3) Not Guilty

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 of all three pleas before entering your plea.

You must decide upon and enter a plea to the charge against you on or before the appearance date on your citation. 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. There are three possible pleas to a complaint:

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 your 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. If it does not, 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 civil suit for damages as an admission by you that you were at fault or were the party responsible for the accident.

PLEA OF NOLO CONTENDERE

A plea of nolo contendere, also known as no contest, simply means that you do not wish to contest the City's charge against you. Judgment will be entered by the Judge and a fine amount will be set. A plea of nolo contendere cannot be used against you in a civil suit for damages.

PLEA OF NOT GUILTY

A plea of not guilty means that you are informing the court 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. However if you are a minor (under 18 years of age) one of you parents should be present.

Under our American system of justice, all persons are presumed to be innocent until proven guilty beyond a reasonable doubt. On a plea of "Not Guilty" a trial is held and the City is 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 Kansas law, you can be brought to trial only after a complaint or traffic citation has been filed, and you have entered a plea of not guilty to the charge or charges. The complaint or citation is a document which alleges what you are supposed to have done, and that your actions are unlawful.

You have a right to inspect this complaint before trial, and have it read to you at trial.

You do not have the right to have your case tried before a jury in Municipal Court.

You are entitled to hear all testimony introduced against you.

You have a 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 own behalf. You also have the right to have the Court issue subpoenas for witnesses to ensure their appearance at trial. However, you must furnish the names, addresses and telephone numbers of these witnesses to the Court as soon as possible, so that the witnesses may be located and the subpoenas served. (In all cases this must be supplied more than 1 day before the scheduled date of the trial).

If you defend yourself, please consult the following sections of this brochure regarding the trial procedure and the manner of presenting your case.

PRESENTING THE CASE

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

After each prosecution witness has finished his/her testimony, you will have the right to cross examine him/her. Your examination must be in the form of

questions and you must not argue with the witness. Do not attempt to tell your side of the story at this time. You will have an opportunity to do so 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.

As stated previously, if you so desire, you may testify in your own behalf, but cannot be compelled to do so. It is your own choice and your silence will not and cannot be used against you.

THE VERDICT

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

If you are found guilty by the Judge, he will announce the penalty at that time. **You should be prepared to pay the fine at this time.**

FINES

The amount of fine assessed by the Court is affected by the facts and circumstances of the case. Mitigating circumstances may increase the fine. In no case may a fine exceed \$500 for most traffic violations; and up to \$1000.00 for City ordinance violations involving driving under the influence of intoxicating liquor or drugs.

HABITUAL DRIVING OFFENSES

The State of Kansas has a Habitual Driving Statute. The convictions which constitute offenses for the Habitual Driving Statute are: 1) Driving under the influence of intoxicating liquor or drugs; 2) Reckless driving; 3) Driving without insurance; 4) Driving on a suspended driver=s license.

If you are convicted of three of the above offenses in a five year period, the State will declare you to be a Habitual Violator and your driving privileges will be revoked for a period of three years. If you drive a vehicle during this period, and you are stopped and convicted, you will be charged with a Class AE@ felony, which is punishable by a sentence of 1 to 2 years in the State Penitentiary. Any felony offense will be tried at the Grant County District Court.

RIGHT TO APPEAL

If you are not satisfied with the judgment of the Court, you have the right to appeal your case to the District Court of Grant County, Kansas. If you appeal the judgment, you must file a written Notice of Appeal, post an Appeal Bond, and pay a filing fee at the office of the Clerk of the Ulysses Municipal Court. (The filing fee is set by State Statute and was \$62.50 at the time of this printing.) The appeal must be filed with the Clerk within 10 days from the date of judgment.

Your appeal will be set for a new trial before a different Judge, and or Jury, in the District Court.

ACCIDENT CASES

The Municipal Court has no jurisdiction over damages caused by an auto accident. Settlement of damages is a matter for a civil Court to decide, and in order to recover for any damages you will have to file a separate civil suit in another Court. Municipal Courts hear only traffic and criminal ordinances violation cases.

THE MUNICIPAL COURT

The judge will base his decision in any case on the City Ordinance involved, on the testimony, evidence presented, and on the facts shown during the trial only. Most important, tell the truth and don't try to evade answering any questions.

REMEMBER: The Officer is not always right; that is why we have Courts. The motorist is not always right that is why we have Officers. The Court is not always right; that is why you have a right to appeal

Under the American system of justice you have the right to have your day in court. That is why the taxpayers of our City support your courts with their tax dollars.