



NORTH NEWTON MUNICIPAL COURT
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NORTH NEWTON, KS 67117
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Court Scheduling

North Newton Municipal Court convenes at 5:30 pm on the first Thursday of each month. (It is occasionally rescheduled due to holidays or other conflicts. It is best to call and confirm your court date.) Defendants must be on the docket to speak with the judge.

What is Municipal Court?

Your presence in Municipal Court 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 feel 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 \$2500 and a possible jail term. Trials are conducted under the Code of Criminal Procedure, Code of Municipal Courts and the Kansas Rules of Evidence as adopted by the Kansas Legislature.

Courtroom Etiquette

When you appear in Court, you will be required to follow these rules:

1. Wear appropriate clothing and shoes.
2. Remove caps and hats while in the Courtroom.
3. No food and beverages allowed in the Courtroom.
4. No talking while Court is in session, except with authorized Court personnel.
5. Turn cell phones to silent. Do not answer a cell phone call in the courtroom.
6. No smoking in the City building or on the property.

At Court

Your first appearance in Municipal Court is for the purpose of arraignment to enter a plea to the charges. You must decide upon a plea to your charge(s) which is the most important decision you will have to make. If you signed a citation when the officer presented you the ticket, 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.

1. **Not Guilty** – If you enter a not guilty plea you are informing the Court that you deny any charges against you and your case will be set for trial at a later date. You will need to decide to employ an attorney to represent you at trial. You may defend yourself, but no one except an attorney may represent you. If you are a minor under 18 years of age, one of your parents should be present.

All persons are presumed to be innocent until proven guilty beyond a reasonable doubt. The City is required to prove all the allegations against you as contained in the formal complaint "beyond a reasonable doubt" before a judgment can be reached.

2. **Guilty** – If you enter a plea of guilty you admit that you committed the act as charged, the act is prohibited by law, and you have no defense for your act. You will be found guilty without a trial and a sentence will be imposed.

Before entering your plea of guilty, you need to understand that 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, when you go to trial. The law does not require you to prove anything.

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.

3. **No Contest** – Although a no contest plea is entered without an admission of guilt, the defendant does not contest the facts and will be found guilty without a trial. Judgment will be entered by the Judge and some penalty will be set.

A Trial

Under Kansas law, you can be brought to trial only after a complaint or traffic citation has been filed. The complaint or citation is a document that alleges what you are supposed to have done, and that your actions were 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 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 choose to testify, the prosecutor will have the right to cross-examine you.

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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 Clerk at least 10 working days before your trial date.

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 testimony, you will have the right to cross-examine the witness. 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, and to introduce exhibits such as photographs and diagrams.

Judgment

The verdict of the Judge will be based on the testimony that sounds most reasonable 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 the Judge finds you guilty, he normally will announce the penalty at the time. You should be prepared to pay the fine at this time. However, you may be granted an extension of fourteen (14) days to appeal the ruling of the Judge.

Right to Appeal

If you are not satisfied with the judgment of the Court, you have the right to appeal your case to the Harvey County District Court. If you do appeal the Judge's judgment, you should file a written notice of appeal with the clerk of the Harvey County District Court, serve a copy to the City Attorney, and post an appeal Appearance Bond in the amount set out by the Judge. The appeal must be filed within fourteen (14) days of the original judgment.

After filing your appeal you will be assigned a new court date to appear in the Harvey County District Court for a new arraignment date. After arraignment, a new trial date will be scheduled before a different Judge or jury in the District Court.

Fines

The amount of fine assessed by the Municipal Court is affected by the facts, circumstances of the case, and any mitigating circumstances. Mitigating circumstances may lower the fine, even if you are guilty. However, aggravating circumstances may increase the fine. A fine will not exceed \$500 for most traffic violations; and up to \$2500 for City ordinance violations involving serious offenses.

Failure to Comply/Failure to Appear

If you fail to comply or appear at the designated date and time regarding your complaint or citation, the court will notify you and give a set amount of time to pay the fines and costs or appear at another court date. If you again fail to comply or appear, your driver's license will be suspended for certain violations and/or a bench warrant ordered.

State Fees

The State of Kansas has ordered Municipal Courts to collect \$23.50 on each case that involves a moving violation, criminal charge, or violation of a City ordinance. These fees, factored into your fine amount, are forwarded to the State of Kansas. Additionally, a \$250 fee for each DUI conviction is collected and sent to the State of Kansas. Prior to reinstating a suspended Kansas driver's license, the Municipal Court must collect \$122 per offense, which is then forwarded to the State of Kansas. Any misdemeanor involving possession of certain drugs will be assessed a \$400 KBI lab testing fee upon conviction.

Payments

Payments may be made by cash, check, or money order in person or by mail. A drop box is located near City Hall's main entrance - please reference your payment when placing it in the drop box. The Municipal Court also accepts debit and credit card payments at City Hall or by going to www.northnewton.org and selecting *Pay Online*.

Driver's License Violations

If you were charged with a driver's license violation, you are encouraged to have a valid license before your court appearance. You may check the status of your driver's license and find information to help you get your driver's license reinstated by going online to www.ksrevenue.org and selecting *Division of Vehicles* or by calling (785) 296-3671 Monday - Friday, 8:00 am - 4:00 pm.

Proof of Insurance

If you were charged with not having proof of insurance you may present your proof of insurance in person, by fax, or by mail within 10 days. The insurance information will be checked and, if verified, your charge will be dismissed. If you did not have insurance at the time of your traffic stop, you are required to appear in court. You are encouraged to purchase liability insurance before your court appearance.

Accident Cases

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 criminal misdemeanor cases involving violations of City ordinances.