

Before Court Begins

You must decide upon and enter a plea to the charge(s) against you. 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:

1. Guilty
2. Not Guilty
3. No Contest

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.

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, when you go to trial. The law does not require you to prove anything.
2. **If you are 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 the party responsible for the accident.

Plea of Not Guilty

A plea of **Not Guilty** means that you are informing the Court that you deny charges against you. 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

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

When charged with an offense that may result in jail time as part of the sentence, you must decide whether to proceed with or without an attorney. If you are indigent, cannot afford an attorney, the Court will appoint an attorney to represent you. A Financial Affidavit must be completed and submitted to the Judge. This does not mean that your attorney is free. The Court appointed attorney will bill the Court at a reduced rate and the fee will be added to the fines and costs. You have no choice in the selection of a court appointed attorney.

If you are a minor (under the age of 18 years of age) one of your parents should be present.

Plea of No Contest

A plea of **No Contest** means that you do not wish to contest the City's charge against you, but wish to talk to the Judge about mitigating circumstances. Judgment will be entered by the Judge as guilty and fines will be assessed. A plea of no contest cannot be used against you in a civil suit for damages.

Continuance

In most traffic cases, the court clerk may grant one (1) continuance from the Notice to Appear date on the traffic citation. The court clerk may grant one (1) continuance from the Notice to Appear date to an arraignment date for an infraction/citation. If the original Notice to Appear was issued for a court appearance required offense and a bond was issued, the clerk will not grant the continuance. Exceptions to this continuance policy include, but are not limited to, certain traffic charges, driving under the influence, possession of an illegal drug or charges involving a victim.

Failure to appear on your scheduled court date may result in a bench warrant being issued for your arrest.

Plea Agreement

Many court cases, infractions and misdemeanors, are concluded without a trial. A case may be disposed of without a trial through a plea agreement. The prosecutor **cannot** initiate plea negotiations. The prosecutor has no obligations to discuss or negotiate your case. In plea negotiations, a prosecutor will consider the effect of the offense on the victim, your criminal history, and the seriousness of the offense.

You will be asked to sign a Waiver of Counsel which allows the prosecutor to speak with the defendant. Under a plea agreement, you agree to plead guilty or no contest to certain charges and the prosecutor agrees to ask the court to dismiss others. Sometimes a prosecutor may amend the complaint to a lesser charge, or be more lenient on sentencing recommendations if you agree to plead guilty.

Please remember that a plea agreement is made with the prosecutor. The judge is not bound by the plea negotiations and may reject any agreements.

Amendment

A defendant has two options to have a moving violation amended to a non-moving violation.

- Appear on your court date and ask to speak with the prosecutor regarding the violation. The prosecutor will consider your driving record and the circumstance surrounding the traffic offense. If the prosecutor agrees to amend the moving violation to a non-moving violation, you will be charged an amendment fee, plus the fine and court cost.
- A second option is to call the city prosecutor prior to court. An amendment can be negotiated by telephone prior to your court date. Please call 316-747-2109 for the city prosecutor's office information. Again you will be charged an amendment fee, fine and court cost

Diversion

A diversion program allows a person accused of a crime possible avoid a conviction. If you qualify, a prosecutor may place you in a diversion program instead of proceeding with a trial. With a diversion, you enter into a contract to comply with certain conditions and agree to be supervised, if ordered, by a probation officer for a period of time, usually one (1) year. Other conditions of diversion may include attending classes, counseling, restitution or payment of all fines and court costs. There is a fee associated with the diversion and any programs or treatment programs ordered will be at your own expense. You will not be allowed to consume alcohol or drugs while on diversion and may be required to submit to random testing.

By agreeing to the conditions of diversion, you give up the right to a speedy trial, the right to confront witnesses, and the right to present evidence. However, if you successfully complete all the conditions in the agreement, the charges against you will be dismissed. If you fail to comply with a condition, the diversion agreement may be terminated, the charges against you immediately reinstated, and a trial will be held on the police reports alone.

Diversions are only for first time offenders and those who do not appear likely to engage in further criminal conduct.

******PLEASE REMEMBER: PLEA AGREEMENTS, ANMENDMENTS AND DIVERSIONS ARE DONE SOLEY AT THE DISCRETION OF THE PROSECUTOR. THEY ARE A PRIVELEGE, NOT A RIGHT.******