

# CITY OF EUREKA MUNICIPAL COURT

## COURT PROCEDURE AND YOUR RIGHTS

Please take a seat in the courtroom. Turn off all cell phone and any other devices you may have which might make noise while court is in session. If a cell phone interrupts Court proceedings it will be confiscated. During court there is no talking except to conduct court business.

Your presence in 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. Every person should leave this court with the feeling that he or she has had a fair and impartial trial or hearing. The City of Eureka Municipal Court is a division of the Circuit Court of St. Louis County. It is a part of the judicial branch of the City of Eureka's government and is part of the state judicial system. The court is operated under the Revised Statutes of Missouri and Rules established by the Supreme Court and Circuit Court of St. Louis County. You are appearing in court because you have been charged with an ordinance violation by the City of Eureka. This does not mean you are guilty of any offense.

### YOU HAVE THE FOLLOWING RIGHTS IN THIS COURT:

1. You have the right to be informed of the charge against you and range of punishment for the charge;
2. You have the right to be represented by an attorney. **An attorney may be appointed for you if you are indigent (unable to afford an attorney); AND** it appears to the Judge that there would possibly be a jail sentence upon conviction;
3. You have a right to have a trial, including a trial by jury;
4. At trial you have the right to question any witness who may testify against you;
5. You have the right to subpoena persons to testify on your behalf at your trial;
6. You have the right to testify at your trial but neither the City nor anyone else can force you to testify;
7. If you had a trial and were found guilty you have a right to a trial de novo (a new trial) in the Circuit Court of St. Louis County.

### ENTERING A PLEA

You must first enter a plea. You may plead **NOT GUILTY, GUILTY, or GUILTY WITH AN EXPLANATION.**

**1. NOT GUILTY PLEA:** By pleading not guilty, your case will be set for TRIAL. Your case will NOT be tried tonight. You must appear on the date and at the time the trial is scheduled or a **WARRANT** will be issued for your arrest. At trial, you should be prepared to present any evidence you believe will help you in your defense. You may subpoena witnesses to testify on your behalf. The Court Administrator will provide you with subpoena forms, but you must serve the subpoena personally upon the witness. You should also bring with you any documents or other evidence you wish to present to the court. The rules of evidence apply at your trial,

which may prevent some evidence you may want to present from being admitted before the Judge. Both the City and you must comply with these rules during the trial. If you are found guilty, you can apply for a trial de novo in St. Louis County within 10 days of the judgment.

**2. GUILTY PLEA:** By pleading guilty, you admit that you committed the offense charged, that the law prohibits the act, and that you have no defense for your act. You are **URGED** not to plead guilty if you do not feel that you are guilty. **IF YOU PLEAD GUILTY YOU GIVE UP ALL THE RIGHTS LISTED ABOVE.**

**3. PLEA OF GUILTY WITH AN EXPLANATION:** This plea has the same effect as a plea of guilty, but says that you would like to explain to the Judge mitigating circumstances with respect to the punishment only. An example of this type of plea is if you are charged with "Failure to Show Proof of Financial Responsibility." If you failed to show the police officer proof of insurance at the time of the stop, but had insurance coverage at the time, you should present the proof of insurance to the Judge. If you have obtained insurance since you were stopped you should show that to the Judge. If you actually had insurance on the date of your charge, the case will be dismissed.

#### **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.

#### **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 the 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 tonight, the court will assign you a payment date approximately 30 days from today's date. If you cannot make a scheduled payment, you will need to appear in court that evening to show good cause for your failure to pay. **You cannot be sentenced to jail for your inability 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 to your hearing, a warrant can be issued for your arrest, and the Court can use any means authorized by law to collect the judgment. Additionally, 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**

Court costs of \$24.50 per case are added to any fine assessed. Court costs are required by state law and the ordinances of the City of Eureka.