

## **Definitions and General Information**

The Kirkwood Municipal Court is a division of the St. Louis County Circuit Court. Cases in Municipal Court involve alleged violations of the City laws.

If you have received a ticket for a municipal ordinance violation, you have certain rights and responsibilities.

**The Arraignment:** An arraignment is your first appearance in Municipal Court. When you are given a ticket, you are also given a court date and time to appear in Municipal Court. At your arraignment your name will be called. When your name is called, approach the bench. The Judge will read the charge filed against you. If you do not understand the charge, ask the Judge to explain it. When the Judge asks how you plead, you must say either "Guilty" or "Not Guilty."

**Arraignment Dates:** If you need to change the date of your arraignment, contact a Municipal Court Clerk. It is within the Court's discretion to grant delays or continuances. Before granting a continuance, the Court may require written proof of your excuse. Only ONE continuance will be given. No continuances will be granted on the day of Court.

**Failure to Appear in Court:** If you do not appear in Court on the date set for your arraignment or trial, a warrant may be issued for your arrest.

**Paying for Tickets:** Some tickets can be paid without appearing in court. You must, however, pay the ticket before your Court date. If the ticket is not paid on or before the Court and you do not appear in Court, a warrant may be issued for your arrest.

**Legal Representation:** You have the right to hire an attorney and have him or her speak or represent you in Court.

**A Guilty Plea:** If you plead guilty, you are admitting to the Judge that you have committed acts which violated a valid City law. The Judge will then decide what penalty will be assessed.

At this time, you will have an opportunity to tell the Judge any special circumstances that you believe lessen the severity of the violation. You cannot plead guilty and then in your explanation to the Judge state that you did not violate the law. After listening to your explanation, the Judge will assess a penalty, considering the severity of the offense and any explanations offered by you. Remember, if you plead guilty, the Judge will find you guilty. Any explanation offered by you can only affect the penalty.

When you plead guilty, you will be giving up the following rights; to hire a lawyer to represent you; to have a trial before a court or jury; to call witnesses to testify for you; to testify yourself; to cross-examine any witnesses the City may call; and to appeal the judgment.

**A Not-Guilty Plea:** A plea of not guilty means you have not violated the law. When you plead not guilty, the Judge will set a date for trial. You do not need to be represented by an attorney if you want to plead not guilty. You may represent yourself at trial. If you plead not guilty and later decide to change your plea to guilty, you must reappear in Court.

**The Trial:** At the trial, the City Prosecutor will first present evidence against you. Then you will have a chance to tell your side of the story. The Prosecutor must prove your guilt beyond a reasonable doubt. The Prosecutor will call witnesses to testify about the facts alleged in the charge. When each witness has finished answering the Prosecutor's questions, you or your attorney will have the right to question the witness. This is called cross-examination. Cross examination is not a time when you can testify or argue with the witness.

After all witnesses for the City have testified, you will have an opportunity to present your case. You may testify and you may call witnesses to testify; however, you are not required to testify. If you do not testify, you may also be questioned by the Prosecutor.

After you have presented your case, the Prosecutor has the right to present "rebuttal" evidence. Rebuttal evidence is evidence that explains or dismisses your evidence. After all witnesses have testified, each side may give a closing argument. The Judge must then decide if you are found guilty or not. If you are found guilty the Judge will assess a punishment, considering the severity of the offense and any explanation offered by you during your evidence. If the Judge finds you not guilty, you are free to go.

**Right of Appeal/Trial de Novo:** If the Judge finds you guilty, you have the right to appeal the decision. When you appeal, you are asking for a new trial, or a Trial de Novo. A filing fee and application for Trial de Novo must be filed with the clerk before transferring the case to Circuit Court. Your application for Trial de Novo must be done within 10 days of the first trial. Payment of any portion of the fine or failure to file within 10 days forfeits your right to appeal.