Wentzville Municipal Court
1001 Schroeder Creek Boulevard
Wentzville, MO 63385
(636)639-2193

Janet Crane, Judge

KyleMcKay
Prosecuting Attorney

Stacy Phillips
Court Administrator

Your Rights In Municipal Court

Your presence in Municipal Division 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 feeling that he or she has had a fair and impartial hearing or trial.

- Municipal Court is the Judicial Branch of City Government, and is a part of the State Judicial system.
- Misdemeanor criminal cases and traffic violations, which are Ordinance violations for which the maximum fine, upon conviction, does not exceed $500.00 and/or one year in the County jail, are tried in the Municipal Division Court.
- Trials are conducted under the rules set forth in the Missouri Revised Statutes and Rules of Evidence.

PROPER ATTIRE FOR COURT

The proper attire for Court shall **NOT** include swim suits, tank tops, hats, or sunglasses. If you appear in Court wearing any of this attire, you will be asked to leave.

ALL cell phones are to be turned off before entering the courtroom.

BEFORE COURT BEGINS

As the Judge enters the courtroom, please rise. There is no talking, drinking, or smoking during Court. When your name is called, step forward and wait to be summoned before the Judge. The violations that you are alleged to have committed will be read and at that time you should be prepared to plead either:

1. Guilty
2. Guilty with an explanation, or
3. Not Guilty.

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.

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 before entering your plea. If you decide that you would like to seek the services of an attorney, please inform the Judge and you will be given time to do so.

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 a plea of guilty, you need to understand the following:

- 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. The law does not require you to prove anything.

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.

In both cases of a plea of guilty, a sentence will be imposed. The mitigating circumstances explained to the Judge may or may not have an effect on the imposed sentence.

PLEAS OF NOT GUILTY

A plea of not guilty means that you deny guilt and that the City must prove its charges against you. Your case will be set for trial and you will be given a date to appear.

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.

At the time of the trial, the City will be 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 Missouri law, you can be brought to trial only after a formal complaint/summons has been filed. The complaint/summons is the document which alleges what you are supposed to have done, and that your action was unlawful.

- You have the right to inspect the complaint/summons before trial, and have it read to you at trial.
- You have the right to have your case tried before a jury if you desire.
- You are entitled to hear all testimony introduced against you.
- You have the right to cross-examine any witness who testifies against you.
- You have the 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 behalf.
- You also have the right to have the Court issue a subpoena 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 they may be located and subpoenas served, at least **three (3)** weeks prior to the trial.

PRESENTING THE CASE

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

After each prosecution witness has finished testifying, you will have the right to cross-examine him or her. Your examination **MUST BE IN THE FORM OF QUESTIONS**. This is not a time to make a statement and you must not argue with the witness. You will have an opportunity to make a statement 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.

You may testify in your own behalf, but cannot be compelled to do so.

THE VERDICT

The verdict of the Judge will be based on the testimony at trial bout the incident and on the facts presented during the trial. In making his/her determination, he/she will only consider the testimony of the witnesses who are under oath.

If you are found guilty by the Judge, he/she will announce the penalty. **You should be prepared to satisfy the Judgment/Sentence at that time.** You may request an extension of time to satisfy the Judgment or an extension of ten (10) days to appeal the ruling of the Judge. This notice of Appeal **must** be filed with the Wentzville Municipal Division Court Clerk within ten (10) days after the verdict.

FINES

If a fine is assessed by the Court, the amount fine is affected by the facts and circumstances of the case. Mitigating circumstances may lower the fine. Aggravating circumstances may increase the fine. In no case may the fine exceed $500. All fines are deposited in the General Fund of the City of Wentzville.
If jail time is imposed by the Court, the amount of jail time is affected by the facts and circumstances of the case. Mitigating circumstances may lower the jail time. Aggravating circumstances may increase the jail time.
*Each citation is classified as one (1) case.

COURT COSTS

If you are found guilty of an offense, court costs will be added to the fine/sentence. Court costs are required by State law and are remitted, both to the General Fund of the City and to the State Department of Revenue. Court costs range between $22.50 and $31.50.

RIGHT TO APPEAL

If you are not satisfied with the Judgment (verdict) of this Court, you have the right to appeal the verdict to the 11th Judicial Circuit Court, State of Missouri. If you do appeal, you must post a $30.00 filing fee (either certified check or money order), made payable to the 11th Judicial Circuit Clerk, State of Missouri. The filing fee and case files will be forwarded to the Circuit Court once received by the Clerk of this Court. You will be notified of a new court date and your case will be heard again by another Judge in its entirety. You must file this appeal within ten (10) days of the Judgment. If the judgment is not appealed within ten (10) days it becomes final and you must pay the fines and costs assessed or serve the sentence imposed by this Court. You can appeal even if you are not able to pay. Complete details of the appeal procedure can be found at www.wentzvillemo.gov Courts Department

THE MUNICIPAL DIVISION COURT

The Judge will base his decision only on the State Law or City Ordinance involved and the facts as determined by the testimony and other evidence presented. When you testify, try to be fair and calm.

REMEMBER: The City is not always right, that is why we have courts. The defendant 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.