

# Missouri Municipal Division Courts

## Know your rights:

- Right to trial
- Right to know when the court is open
- Right to attend court
- Right to release pending hearing
- Right to access court records
- Right to an attorney
- Right to have a judge decide if you can afford a lawyer or afford to pay fines
- Right to a court-appointed attorney
- Right to request a different judge

## OVERVIEW OF MUNICIPAL DIVISION COURTS

Municipal division courts are authorized by the Missouri Constitution and are part of the circuit courts. They are open to the public of all ages. The purpose of these courts is to provide you with a place to obtain a fair and impartial trial on any alleged violation of a city ordinance. While this is a general overview of your rights in municipal division courts, each individual court may have local rules that may apply to your case. Please check with your local municipal division court for the local court rules.

Municipal division courts are courts of law established to protect the rights of all citizens. If there is anything you do not understand, do not hesitate to ask the judge any questions.

# **RIGHTS IN MUNICIPAL DIVISION COURTS:**

## **Right to know when the court is open**

Every court has different hours it is open. It is important that you check the court's website or call the court's clerk to determine when it is open. A comprehensive listing of the websites and phone numbers for all municipal division courts in Missouri can be found at <http://www.courts.mo.gov/mcw/findacourt/muniDivisionList.htm>

## **Right to attend court**

Courts in Missouri are open to the public of all ages.

## **Right to release pending hearing**

If you are in jail for a municipal charge, you have the right to be released unless the court decides you need to be in jail for the protection of the community or because you may not appear for court. If the court orders your release from jail, there may be conditions on your release, including bail.

## **Right to access court records**

If you have a case in a municipal division court, you have the right to see the court records for your case. This includes records that show charges, court rulings, fines, and other information for your case.

## **Right to an attorney**

You have the right to be represented by an attorney and may hire one at any time. When you first appear in court, you can ask to postpone the hearing one time so you can hire an attorney. However, you are not required to have an attorney represent you. You may represent yourself.

## **Right to have a judge decide if you can afford a lawyer or pay fines**

If you want an attorney, but cannot afford one, you can ask that the judge decide if you qualify for a court-appointed attorney. You may be required to fill out paper work about your finances as a part of this process.

You can also request the judge to decide if you are able to pay court fines or to be granted an alternative sentence. You may be required to fill out paper work regarding your finances as a part of this process. You may not be put in jail for failure to pay fines or costs unless the judge finds you have the ability to pay but are unwilling to pay or when alternative sanctions to jail are not sufficient.

## **Right to a court-appointed attorney**

If you show you cannot afford an attorney, and the city is seeking to put you in jail, the court will provide an attorney to represent you.

## **Right to request a different judge**

You may request a change of judge for any reason within ten (10) days after you enter your initial plea. If it is past the ten (10) days, then you must show cause why the judge should be changed. In addition, a judge may decide he or she cannot hear the case if they have a conflict of interest in the case or the judge will appear as the prosecuting attorney in a neighboring county where the prosecuting attorney will serve as judge.

## **Right to Trial**

If you plead not guilty, your case will be scheduled for trial. Because of the number of cases the court hears each month and the need to have the officer and any witnesses present, your case cannot be heard that night. You will be given a future court date for trial.

When your case is scheduled for trial, it will be in the same court in which you appear, UNLESS you request a jury trial. A request for a jury trial should be made by written motion 10 days prior to the scheduled trial date. If the motion is timely, your case will be sent to the presiding judge of the circuit court for a new trial date with a jury.

1. At trial, you have a right to testify or remain silent. If you remain silent, it is not considered an admission of guilt. If you testify, the judge may consider any statement you make in deciding your guilt or innocence.
2. At trial, you have the right to ask questions of witnesses testifying against you.
3. You have the right to ask the clerk to issue a subpoena to require witnesses to come to trial and testify.
4. If you are found not guilty, the case ends.
5. If you are found guilty, you can accept the decision or appeal to the circuit court. If you appeal your case, you will be granted a new trial before a different judge. The request for appeal must be made in writing within 10 (ten) days of the court's decision and cannot be extended for any reason. You can appeal even if you are not able to pay. You may also ask the clerk for information on the process.

## **Trial Process**

1. The case is ready to be heard by the judge.
2. Witnesses are given an oath to testify.
3. The city's witnesses explain their version of what happened.
4. You or your attorney can ask questions of the City's witnesses.
5. You may testify and call witnesses to explain your version of what happened.
6. The city prosecutor may question you and your witnesses, if you and your witnesses testify.
7. The judge makes the decision.

## **Punishments and Fines**

If you plead guilty or are found guilty, you may face the following punishments or fines:

1. Minor traffic violations—up to \$225 total fine and costs.
2. Housing, zoning or building code violations—up to \$200 total fine and costs for the first violation in a year, \$275 for the second violation in a year, \$350 for the third violation in a year, and \$450 for the fourth and any subsequent violation in a year.
3. All other municipal code violations—up to \$\_\_\_\_\_ fine plus costs.
4. In addition to these fines and costs, certain violations may result in jail time. Such violations include any violation involving alcohol or drugs, violations endangering the health or welfare of others, or giving false information to a police officer. You may face up to a year in jail.

You may be able to pay your fines by mail, online, or in person instead of appearing in court. Please check with the clerk of the municipality in which your case is located to get information on how you can pay fees and fines in the municipality.

You may not be put in jail for failure to pay fines or costs unless the judge finds you have the ability to pay but are unwilling to pay or when alternative sanctions to jail are not sufficient.