

Your Rights in Court

One of the goals of the Riverview Municipal Court is to help you resolve your tickets and charges in a fair, just and convenient way. The inability to pay a fine at the time of your court appearance is not grounds for an arrest. You can arrange a later payment date. However, not appearing in court when you've been summoned to do so makes you subject to a warrant being issued for your arrest and additional charges and fines for failing to appear.

Your presence in Municipal Court may be your first experience in any court. The following information has been prepared to help you understand the court proceedings and to inform you of your rights and responsibilities. Every person should leave this court feeling that he or she has had been treated fairly.

- Municipal Court is the judicial branch of city government, and is a part of the state judicial system. The Riverview Municipal Court is a division of the St. Louis County, Missouri Circuit Court in Missouri's 21st Judicial Circuit.
- Misdemeanor criminal cases, which are ordinance violations for which the maximum fine, upon conviction, does not exceed \$1,000 and/or 90 days in the county jail, are tried in Municipal Court.
- Trials are conducted under the rules set forth in the Missouri Revised Statutes and Rules of Evidence.

Before Court Begins

Proper attire is required for a court appearance. Sleeveless shirts, shorts and/or hats are not suitable for court.

As the Judge enters the courtroom, please rise. Afterwards, please be seated. Talking, drinking and smoking are prohibited while court is in session. When your name is called, come 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:

- Not guilty;
- Guilty; or
- Guilty with an explanation

If you signed a citation in the presence of a police officer, you did not plead guilty by doing so. Rather, you 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 in court. 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 entering a plea of guilty, you admit that you committed the offense with which you were charged, that the act is prohibited by law, and that you have no defense for your act.

Before entering a plea of guilty, you should understand the following:

- The City has the burden of proving its case against you beyond a reasonable doubt. This means the City must prove each and every element of the offense with which you were charged beyond a reasonable doubt. 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. If the City does not prove each and every element of the offense beyond a reasonable doubt, the Judge will find you not guilty.
- If you were 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 at fault or were the party responsible for the accident.

You are URGED to plead NOT GUILTY if you do not believe that you are guilty.

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 the circumstances surrounding the offense with respect to the punishment only.

In both cases of a plea of guilty, a fine may be assessed. The explanation to the Judge may or may not have an effect on the amount of the fine assessed.

Plea of Not Guilty

A plea of not guilty means that you deny guilt and that the city must prove its charges against you at trial. Your case will be set for trial and you will be given a date to appear. You will receive no other notice with regard to your trial date.

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. Again, if the City does not prove each of the elements of the offense with which you were charged, beyond a reasonable doubt, the Judge will find you not guilty.

The Trial

Under Missouri law, you can be brought to trial only after a formal complaint has been filed. The complaint is the document that alleges what you are alleged to have done, and that your action was unlawful.

- You have the right to inspect the complaint 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 must make this request in writing to the Circuit Clerk of St. Louis County in Clayton, MO.
- 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 if you choose to do so. 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 if you choose to do so.
- You have the right to present evidence in your defense if you choose to do so.
- You also have the right to subpoena your own witnesses. The court can provide you with the forms needed to do so.
- You have the right to consult with an attorney and/or to be represented by an attorney if you choose to be represented by one. If you are indigent and cannot afford to hire an attorney, the Judge will appoint an attorney for you free of charge if:
 - The Court finds you are indigent and cannot hire an attorney, and
 - It appears to the Court there is a possibility of a jail sentence if you plead guilty or if you are found guilty.

Presenting the Case

As in all criminal trials, the City will present its case first by calling 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 a question. 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.

The Verdict

The Judge will find you guilty or not guilty at the conclusion of the trial. The decision of the Judge will be based on the testimony that sounds most reasonable and on the evidence presented during the trial. In making his determination, the Judge will only consider the testimony of the witnesses who are under oath and the evidence admitted at trial.

If you are found guilty by the Judge, he will announce the penalty. You have the right to appeal within 10 days of the Judge's ruling. If you fail to appeal within 10 days of the Judge's ruling,

the ruling becomes a final, non-appealable judgment. Similarly, if you pay any part of the fine or court costs assessed, the ruling becomes a final, non-appealable judgment.

Fines

The amount of fine assessed by the Municipal Court is affected by the facts and circumstances of the case. Mitigating circumstances may lower the fine. However, aggravating circumstances may increase the fine. In no case may the fine exceed \$1,000 plus costs (in some cases, less than that, as some fines are limited by state law). All fines are deposited in the General Fund of the Village of Riverview.

Court Costs

If you are found guilty of an offense, court costs will be added to the fine. 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 are currently \$22.50 per case.

Installment Payments and Alternative Sentencing

If you are unable to pay the full amount of your fine and court costs by the due date assigned by the Municipal Court, please let the Judge know that. You will either be given a new payment date (i.e., a new court date) to allow you additional time to pay or the Judge will approve an installment payment arrangement allowing you to pay your fines and court costs in monthly installments over time. The Municipal Court's policy on payment arrangements is simple: if you have entered a guilty plea or been tried and found guilty of violating a Village of Riverview ordinance, the law requires that an appropriate penalty be imposed and you have an obligation to satisfy that penalty; however, if you are making an honest effort to satisfy your obligation, the Municipal Court will do everything in its power to help you do so. If there are extenuating circumstances that make it impossible as a practical matter for you to pay some or all of your fines and court costs, you have the right to present evidence of your financial condition so the Judge can determine whether you have the ability to pay or not. You are encouraged to inform the Judge if you are unable to pay some or all of your fines and court costs so the Judge can properly evaluate alternatives in your case. In appropriate cases, for persons who qualify, the Municipal Court will allow you to perform community service as an alternative to payment of some or all of your fines and court costs.

Right to Appeal

If you are not satisfied with the judgment (verdict) of the court, you have the right to appeal the verdict to the St. Louis County Circuit Court. If you do appeal, you must post \$95 (either certified check or money order made payable to the St. Louis County Circuit Clerk) to cover court costs with the Court Clerk who will forward the money and the case files to the Circuit Court in Clayton. If you are indigent (unable to pay the appeal fee), you may be eligible to have the fee waived. You will be notified of a new court date by the St. Louis County Circuit Court, and your case will be heard again by another judge in its entirety. You must file this appeal within 10 days of the Municipal Court judgment. If the judgment is not appealed within 10 days, it becomes final and you must pay the fines and costs assessed by the Municipal Court.