

City of Pittsburg Municipal Court Procedures and Your Rights in Court

Your presence in the City of Pittsburg Municipal Court 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. We want every person to leave this Court feeling that he or she has been treated fairly.

Municipal Court is the judicial branch of City Government. Traffic violations and violations of City Ordinances are tried in Municipal Court, and upon conviction could carry a maximum fine of \$2,500 and a possible maximum jail term of up to 1 year.

Trials are conducted under the Code of Criminal Procedure, Code for Municipal Courts and the Kansas Rules of Evidence as adopted by the Kansas Legislature.

Appearance in Court

When you appear in Court you will be required to obey the following rules:

- Your clothing must include a shirt, pants or skirt, and shoes
- The wearing of hats and caps is not allowed
- Food and drinks are not allowed in the Courtroom
- While the Court is in session, talking is not allowed, except with authorized Court personnel
- Cell phones must be turned off
- Please remove noisy children while court is in session

Right to an Attorney

In all cases in the Municipal Court, you may have an attorney represent you. When you are charged with an offense that may result in jail time as part of your sentence, you will need to decide whether you want to continue with or without an attorney. If you desire an attorney, and the court finds you do not have the means to hire, the Court may appoint an attorney to represent you. If you are found guilty or plead guilty to the charge, the Court can assess your attorney fees as part of the court costs.

Before Court Begins

You must decide upon and enter a plea to the charge against you on or before the appearance date on your citation. 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 scheduled date. There are three possible pleas to a complaint:

"Guilty"

"Nolo Contendere" (No Contest)

"Not Guilty"

Your decision on what plea to enter is the most important decision you will have to make. We suggest that you read the explanations of all three before entering your plea.

Plea of Guilty

By a plea of guilty, you admit that you committed the act charged, that law prohibits the act, and that you have no defense for your action.

Before entering your 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. If it does not, the law does not require you to prove anything.

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.

Plea of Nolo Contendere

A plea of nolo contendere, also known as "no contest", simply means that you do not wish to contest the City's charge against you. The Judge will enter judgment and a fine amount will be set. A plea of "nolo contendere" cannot be used against you in a civil suit for damages.

Plea of Not Guilty

A plea of not guilty means that you are informing the Court that you deny guilt and that the City must prove its charges against you.

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. However, if you are a minor (under 18 years of age) one of your parents should be present.

If you defend yourself, please consult the following sections of this web-site information regarding your rights for the trial procedure and the manner of presenting your case.

Under our American system of justice, all persons are presumed to be innocent until proven guilty beyond a reasonable doubt. On a plea of "Not Guilty", a trial is held and the City is 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.

Your Trial

Under Kansas Law, you can be brought to trial only after a complaint or traffic citation has been filed, and you have entered a plea of not guilty to the charge or charges. The complaint or citation is a document that alleges what you are supposed to have done, and that your actions are unlawful

- You have a right to inspect this complaint before trial, and have it read to you at trial.
- You do not have the right to have your case tried before a jury in Municipal Court.
- You are entitled to hear all testimony introduced against you.
- You have a 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 subpoenas 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 the witnesses may be located and the subpoenas served. (In all cases this must be supplied more than 1 day before the scheduled date of the trial).

Presenting Your Case

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

After each prosecution witness has finished his or her testimony, you will have the right to cross-examine him or her. Your examination must be in the form of questions and you must not argue with the witness. Do not attempt to tell your side of the story at this time.

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.

As stated previously, if you so desire, you may testify in your own behalf, but cannot be compelled to do so. It is your choice and your silence will not and cannot be used against you.

The Verdict

The verdict of the Judge will be based on the testimony of witnesses, evidence, and on the facts presented during the trial. In making his determination he can only consider the testimony of the witnesses who are under oath.

If the Judge finds you guilty, he will announce the penalty at that time.

Fines

The facts and circumstances of the case affect the amount of fine assessed by the Court. Mitigating circumstances may lower the fine, even if you are guilty. However, aggravating circumstances may increase the fine.

Habitual Driving Offenses

The State of Kansas has a Habitual Driving Statute. The convictions that constitute offenses for the Habitual Driving Statute are:

- Driving under the influence of intoxicating liquor or drugs
- Reckless driving
- Driving without insurance
- Driving on a suspended driver's license

If you are convicted of three of the above offenses in a five-year period, the State will declare you to be a Habitual Violator and your driving privileges will be revoked for a period of three (3) years.

Right to Appeal

If you are not satisfied with the judgment of the Municipal Court, you have the right to appeal your case to the District Court of Crawford County, Kansas. If you choose to appeal the judgment, you must file a written Notice of Appeal, post an Appeal Bond, and pay a filing fee at the District Court, 602 N. Locust, Pittsburg, Kansas 66762. The Appeal must be filed with the District Court Clerk within 14 days from the date of judgment.

Your appeal will be set for a new trial before a different Judge, and/or Jury, in the District Court.