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
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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 contact information 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. Complete details of the appeal procedure can be found at www.cityofcapegirardeau.org. The clerk is also able to provide you 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 $500.00 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 90 days 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 or go online at www.cityofcapegirardeau.org 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.

If you are a non-U.S. citizen

If you are not a citizen of the United States, you should know that a guilty plea or conviction may result in your deportation, denial of admission to the United States, or you may be denied naturalization under United States law. You may wish to speak with an attorney, especially before entering a guilty plea to any charges.

If you need ADA accommodations

You have rights under the Americans with Disabilities Act (ADA). For example, if you or a witness are deaf or hearing impaired, you have the right to request assistance, including an interpreter. For help, please contact the court's ADA coordinator. A list of ADA coordinators can be found at http://www.courts.mo.gov/page.jsp?id=180.

If you need help with other ADA disabilities, please call (573) 751-4377 or send an email to access2justice@courts.mo.gov.

While in the courtroom, please:

Stay seated until your case is ready to be heard by the judge. Do not smoke or consume food or drink.

Silence any phones or other electronic devices and remain quiet. Do not sleep or disrupt the court proceedings.

My next court date is _____

at _____am/pm.