

Do I need an attorney?

If you decide to take your case to trial, an attorney will not be provided for you by the court. You may, of course, choose to hire an attorney or represent yourself. If you choose to represent yourself, please read the following information carefully.

What happens at a trial?

A trial is a formal hearing where a prosecuting attorney (representing the city) and the Defendant (you) have the opportunity to present their evidence before the Municipal Judge. *You do not have the right to a jury in a Municipal Trial.* The City has the burden of proving its case by clear, satisfactory and convincing evidence. The city puts forth its case first. This usually involves calling witnesses and introducing documentary evidence. Once a witness for the City has testified, the defendant has the right to cross-examine that witness. After the City has introduced all of the evidence that it wishes to present, the Defendant then has the opportunity to testify in his or her own behalf, call witnesses and introduce documentary evidence. The prosecuting attorney is entitled to cross-examine any witness called by the Defendant. After all of the evidence has been heard by the Judge, each side is given an opportunity to make a closing argument. The Judge then applies the admissible evidence to the specific city ordinance that the Defendant is charged with violating, and determines whether the Defendant is guilty or not guilty. *ONLY AFTER A MUNICIPAL TRIAL HAS BEEN CONDUCTED, DO YOU HAVE THE RIGHT TO APPEAL TO THE CIRCUIT COURT FOR A 6-PERSON JURY TRIAL.*

What should you do to prepare for a trial?

1. **Are there witnesses you want to testify** – If the answer is yes, you need to make sure that your witnesses will be in Court on the day of trial. Any such witnesses should have personal knowledge of the incident based on what he or she saw or heard. Do not bring in letters or statements written at your request. They are hearsay and will not be admitted as evidence.
2. **Photos, Maps and Drawings** – If you think such evidence will help the Judge understand your case, bring them to court. However, you or whoever took the photos or made the maps or drawings should be prepared to testify about how and when the items came into being, what they are intended to depict, and how the depiction is relevant to your case.
3. **Testimony by the Defendant** – If you plan to testify in your own behalf, think about what you are going to say beforehand. If you do testify, the prosecuting attorney will have the right to cross-examine. If you made a statement to the police or others, these statements can be used against you at the trial.
4. **Police Reports** – If you want to have copies of the police reports to help you prepare for the trial, you may stop at the Clerk of Court's office to sign a request form. (It may take a few days before the reports are copied and available for you, minimum 24 hour notice is required. There is a \$0.25 per page fee for the copying service.) However, the police reports are not admissible as evidence at trial.

Will I have to pay more than the amount on the citation if I am found guilty?

It is a possibility. The forfeiture amount on your citation is not the maximum forfeiture in most cases. If you are found guilty, the Judge will consider all the facts and has the authority to impose a higher or lower forfeiture if it is deemed appropriate.

If I change my mind, can I settle my case before the trial?

Usually. You must file a written notice with the Clerk no less than 72 hours before your designated court date.