

**IN THE CIRCUIT COURT OF DUNKLIN COUNTY, MISSOURI**  
**35<sup>th</sup> JUDICIAL CIRCUIT**  
**MUNICIPAL DIVISION—CITY OF MALDEN**  
**201 S. Madison**  
**Malden, Mo. 63863**

**YOUR RIGHTS IN THE MUNICIPAL DIVISION**

Your presence in Court today 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.

- The Municipal Division of the 35th Judicial Circuit is a Municipal Division of the Circuit Court of Dunklin County, Missouri government, and is a part of the state judicial system.
- Ordinance violations for which the maximum fine, upon conviction, does not exceed \$500.00 and/or 90 days in jail, are tried in the Municipal Division.
- Trials are conducted under the rules set forth in the Missouri Revised Statutes Rules of Evidence.

**Before Court Begins**

As the Judge enters the courtroom, please rise. Afterwards, please be seated. There is no talking, drinking, or smoking during court. When your name is called, come forward to the podium 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 guilty or not guilty.

If you signed a citation in front of an officer, you did not plead guilty, but only signed a promise to dispose of the charges of which you were accused through appearance or pre-payment of fine and cost.

Your decision on what plea to enter is the most important decision you will have to make. 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 a plea of guilty, you admit that you committed the act charged, that the act is prohibited by law, and that you have no defense for your act. Before entering a plea of guilty, you need to understand the following:

1. 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. The law does not require you to prove anything.
2. 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 Not Guilty**

A plea of not guilty means that you deny guilt and that the City must prove its charge against you. 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 the 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 as contained in the formal complaint against you "beyond a reasonable doubt," before a verdict of guilty can be reached.

**The Trial**

Under Missouri law, you can be brought to trial only after a formal complaint has been filed. The complaint is the document, which alleges what you are supposed 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 to do this, the Judge shall forthwith certify your case to the Circuit Court to be heard on the record in accordance with the procedures applicable before Circuit Judges with there being no right of trial de novo.

- You are entitled to hear all the 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. 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 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 they may be located and subpoenas served at least ten days prior to the trial.

### 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 QUESTIONS**. 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.

You may also testify in your own behalf, but cannot be compelled to do so.

### The Verdict

The verdict of the Judge will be based on the testimony of witnesses who testified under oath and on the other evidence formally received.

### Municipal Division

The Judge will base his/her decision only on the State Law or City Ordinance involved and the facts, as determined by the testimony and other evidence presented. When you testify, try to be fair and calm. Do not try to evade answering any questions.

*REMEMBER: The City is not always right; that is why we have Courts. The Court is not always right; that is why you have the right to appeal.*

### Right to Appeal

If you are found guilty by the Judge and you are not satisfied with the judgment (verdict) of this court, you have the right to appeal the verdict to the 35th Judicial Circuit Court. **ONLY CASES WHICH A PLEA OF NOT GUILTY WAS ENTERED MAY BE APPEALED.** If you do appeal, you must pay a \$45.00 filing fee per case to cover the cost with the Court Clerk, who will forward the money and the case file(s) to the Circuit Court. You will be notified of a new court date, and your case(s) will be heard again by another Judge in its entirety. You must file this appeal within ten (10) days of the judgment. If the judgment is not appealed within ten days, it becomes final, and you must pay the fines and costs assessed by this court.

### Fines

The amount of fine assessed by the 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 \$500.00. All fines are deposited in the General Revenue of the City of Malden. **FAILURE TO APPEAR AND PAY FINES BY THE DATE SPECIFIED BY THE JUDGE WILL RESULT IN A WARRANT BEING ISSUED FOR YOUR ARREST.**

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 Revenue of the City and to the State Department of Revenue. Court costs in the Malden Municipal Court are \$26.00, as of August, 2013.