



## **Your Rights in Municipal Court**

Today is perhaps your first experience in any court. The information provided below has been prepared to help you understand the court proceedings and to inform you of your rights and duties. Every person should leave this court feeling that he or she has had a fair and impartial trial or hearing.

- ❖ The Municipal Court for the City of Ozark, Missouri is authorized by the State Constitution and Statutes and created by Ordinances of the City. It is a division of the Circuit Court of Christian County. As such, it operates under Missouri Supreme Court rules and the local rules of the Circuit Court.
- ❖ Ordinance violations, upon conviction, may be fined up to \$300.00 for minor traffic violations or \$500.00 for all other violations, and/or up to 5 to 90 days in the County Jail for major traffic and some non-traffic violations. This Court does not settle questions of civil money damages.

### **BEFORE COURT BEGINS**

Please make sure that you have checked in. As the Judge enters the courtroom, please rise. Afterwards, please remove hats and be seated. There is no talking, drinking, eating, or smoking during court. When your name is called, come forward to the podium. The violations that you are alleged to have committed will be read and at that time you should be prepared to plead either:

1. Guilty
2. Guilty with an explanation, or
3. 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 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. You have the right to be represented by an attorney and may employ one to represent you before pleading to a charge; to defend against any charge; and to protect your rights in any other court proceeding before or after trial.

### **PLEA OF GUILTY**

By a plea of guilty, you admit that you committed the violation charged, that the act is prohibited by law, and that you have no defense for your actions. 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 partly responsible for the accident.
3. You will be sentenced immediately. No partial payments will be accepted unless a payment plan is authorized by the Judge.
4. If you are fined, the Court may allow you time to pay your fine. If you are given an extension to pay your fine, you will receive a sheet explaining payment. Make sure you appear on the court date noted on the slip if you have not paid your court fine as instructed. **FAILURE TO APPEAR MAY RESULT IN THE ISSUANCE OF A WARRANT FOR YOUR ARREST OR THE SUSPENSION OF YOUR LICENSE OR BOTH.**
5. You will be assessed points against your driving record by the Department of Revenue for all moving violations.

**You are URGED not to plead guilty if you do not feel 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 mitigating circumstances with respect to the punishment only.

In both cases of a plea of guilty, a fine or jail may be assessed. The mitigating circumstances explained to the Judge may or may not have an effect on the extent of the punishment.

### **THE MUNICIPAL COURT ACCEPTS MASTERCARD, VISA, DISCOVER, CASH, CHECK, AND MONEY ORDERS FOR PAYMENT**

### **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 to allow for witnesses to be contacted and you will be given a date to appear. You will receive no other notice with regard to your trial date.

If your plea is 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 allegations against you as contained in the formal complaint "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 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 on your own behalf. You also have the 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 and the Judge may consider any statement you make in determining your guilt or innocence.
- ❖ You may call witnesses to testify on your behalf.

## **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 Prosecutor rests his case, you will be allowed to make your statement and/or call witnesses to testify on your behalf.

If there is anything procedurally that you do not understand, do not hesitate to ask questions. While the Judge is a licensed attorney, in private practice, he may not advise you what you should or should not do. He may explain procedure, but he is prohibited from representing either you or the City.

## **THE VERDICT**

The Verdict of the Judge will be based on the testimony, documents, video, and on the facts presented during the trial. In making this determination, he will only consider the testimony of the witnesses who are under oath and/or any documentary evidence that may have been presented.

If you are found not guilty, then the case is dismissed.

If you are found guilty by the Judge, he will announce the penalty. You should be prepared to pay a fine, if any, at that time. You may request an extension of time to pay or an extension of ten (10) days to appeal the ruling of the Judge. The Notice of Appeal (Trial de Novo) must be filed with the Municipal Court Clerk within ten (10) days after the verdict and before any of the fine or costs have been paid.

## **RIGHT TO APPEAL (TRIAL DE NOVO)**

If you are not satisfied with the judgment (verdict) of this court, you have the right to appeal. In order to do so, you must post \$45.00 (either certified check or money order) made payable to the Circuit Clerk of Christian County to cover filing fees. These fees need to be hand delivered to the Municipal Court Clerk who will forward the money and the case files to the Circuit Court in Christian County after filling out the application. You will be notified of a new court date and your case will be heard again by another Judge in its entirety. You must file this appeal within ten (10) days of the judgment and before you pay any of the penalties assessed. If the judgment is not appealed within ten days then it becomes final, and you must pay the fines and costs assessed by the Court. Complete details of the appeal procedure will be explained to you by Court personnel upon request.

## **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 \$300.00 for minor traffic violations or \$500.00 for all other violations. There are additional limitations for building code violations that will be explained if you ask the Judge or Court Clerk.

## **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 in most cases.

## **THE MUNICIPAL COURT**

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

In traffic cases, the objective of the Court is to reduce the number of accidents and injuries in order to make our streets safer. Careful driving is the daily responsibility of each and every driver.

Please contact the Municipal Court Clerk at (417) 582-5883 for all violations not listed below or if you have any questions regarding your summons. Court Costs must be included with your payment, even those cases paid out of court. The fee schedule below is a COMBINED TOTAL of the fine and Court Costs of \$28.50.

This fine schedule is for payment of cases BEFORE court. A plea of guilty in court could change the amount of the fine due.

**IN THE CIRCUIT COURT OF CHRISTIAN COUNTY, MISSOURI  
CITY OF OZARK, MUNICIPAL DIVISION**

102 W. Brick, Ozark, MO 65721 \* Phone (417) 582-5883

Pursuant to authority granted to the Municipal Judge for the City of Ozark, Missouri pursuant to Supreme Court rule 38.09 and Section 370.020 of the Code of Ordinances of the City of Ozark, Missouri, the following schedule of fines may be accepted by the Traffic Violations Bureau in lieu of an appearance before this Court. Only the offenses listed below may be disposed of without Court appearance.

**All offenses not included in this schedule require an appearance before the Court on the date specified on the Citation or Summons.**

**Speeding:**

1-5 mph over posted speed limit.....	\$ 60.00
6-10 mph over posted speed limit.....	\$ 70.00
11-15 mph over posted speed limit.....	\$110.00
16-19 mph over posted speed limit.....	\$170.00
20-25 mph over posted speed limit.....	\$230.00
26-30 mph over posted speed limit.....	\$280.00
31-35 mph over posted speed limit.....	\$330.00
More than 35 mph over posted limit.....	<b><u>Court Appearance</u></b>

**Registration & Equipment Violations:**

Failed to register vehicle.....	\$130.00
Failed to display plates.....	\$130.00
Displayed plates of another.....	\$130.00
Failed to secure/cover load.....	\$180.00
Vision Reducing Material violation.....	\$ 70.00
Defective lights/muffler/brake/horn.....	\$ 70.00
No Proof of Insurance.....	\$225.00

**Other Offenses:**

No Seatbelt (Adults & Children 8-16).....	\$ 10.00
No Child Restraint (Child under 8).....	\$ 80.00
No seatbelt for commercial vehicle.....	\$ 60.00
Careless and Imprudent Driving.....	\$205.00
Failed to Maintain Lane (right half of road/right lane/single lane)....	\$130.00
Pass/Overtake Another Vehicle in Work/Construction Zone.....	\$200.00
Unsafe Lane Change.....	\$ 85.00
Cut in on Overtaken Vehicle.....	\$160.00
Improper passing on right.....	\$160.00
Improper passing: View obstructed/interfering with approach traffic/within 100ft. of rail crossing/ intersection.....	\$180.00
Following Too Closely.....	\$130.00
Following Too Closely: Trucks 18,000 lbs or more and Buses.....	\$225.00
Failed to signal/Improper signal.....	\$120.00
Improper turn/U-turn.....	\$120.00
Failed to stop at stop sign/red light.....	\$130.00
Failed to obey traffic control device.....	\$120.00
Failed to Yield.....	\$150.00
Failed to Yield to Emergency Vehicle.....	\$200.00
Failed to Stop for School Bus.....	\$225.00
Drive Through Property to Avoid Traffic Device.....	\$120.00
Handicapped Parking Violation.....	\$ 75.00
Miscellaneous Parking Violation.....	\$ 45.00

If the small "Seat Belt Violation" block in the right middle part of your ticket is marked, you owe \$10.00 for the seat belt violation in addition to the fine for primary offense.

***Make Money Order/ Cashier's Check/Personal Check Payable to:  
Ozark Municipal Court***