

## Your Rights in Municipal Court

The purpose of this information is to help you understand court proceedings and to inform you of your rights and duties as a defendant so that you can be assured a fair and impartial trial. **Nothing contained herein is intended to be construed as legal advice.**

### The Trial

Under Texas law, you can be brought to trial only after a sworn complaint is filed against you. The complaint is a document that alleges what you are accused of, and that your actions are unlawful.

- You have the right to inspect the complaint before trial, and to have it read to you at trial.
- You have the right to have your case tried before a jury if you desire.
- You are entitled to hear all testimony introduced 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 do choose to testify, the prosecutor will have the right to cross-examine you.
- You may call witnesses to testify on your behalf. You also have the right to have the court subpoena witnesses to ensure their appearance at trial. However, you must furnish in writing the names, addresses, and telephone numbers of these witnesses to the Court as soon as possible so that the witnesses may be located and subpoenas served.

A trial in Municipal Court is a fair, impartial and public trial as in any other court. A complaint is a document that alleges the act you are accused of committing and that the act is unlawful. You may be tried only for what is alleged in the complaint.

If the judge tries the case, the judge's decision is called a judgment. If a jury tries the case, the jury's decision is called a verdict.

In determining the defendant's guilt or innocence, the judge or jury may consider only the testimony of witnesses and any evidence admitted during the trial.

If you choose to have the case tried before a jury, you have the right to question jurors about their qualifications to hear your case. If you think that a juror will not be fair, impartial or unbiased, you may ask the judge to excuse the juror. The judge will decide whether or not to grant your request. In each jury trial, you are also permitted to strike three members of the jury panel for any reason you choose, except an illegal reason (such as a strike based solely upon a person's race or gender).

If you are found guilty by either the judge or jury, the penalty will be announced at that time. Unless you plan to appeal your case, you should be prepared to pay the fine at this time.

### **Presenting the Case**

As in all criminal trials, the State will present its case first by calling witnesses to testify against you. After each prosecution witness has finished his testimony, you will have the right to cross-examine the witness. 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. You will have an opportunity to do so 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 has knowledge of the incident.

If you so desire, you may testify in your own behalf, but as a defendant, you may not be compelled to testify. It is your choice, and your silence cannot be used against you. If you do testify, the State has the right to cross-examine you.

After all testimony is concluded, both sides can make a closing argument. This is your opportunity to tell the court why you think that you are not guilty of the offense charged. The State has the right to present the first and last arguments. The closing argument may be based only on the testimony presented during the trial. As stated previously, if you so desire, you may testify in your own behalf, but cannot be compelled to do so. It is your own choice and your silence will not and cannot be used against you.

### **The Verdict**

If the judge tries the case, the judge's decision is called a judgment. If a jury tries the case, the jury's decision is called a verdict. In determining the defendant's guilt or innocence, the judge or jury can consider only the testimony of witnesses and any evidence admitted during the trial. If you are found guilty by either the judge or jury, the penalty will be announced at that time.

### **Fines**

The amount of fine the court assesses is determined only by the facts and circumstances of the case. Mitigating circumstance may lower the fine even if you are guilty. On the other hand, aggravating circumstances may increase the fine. In no case may a fine exceed \$200 for a speeding violation; \$500 for other Class C offenses; and \$2,000 for certain city ordinance violations. Court costs are assessed if you are found guilty of an offense, and must be paid immediately. State law mandates the court costs. The court costs vary according to the offense.

### **Right to Appeal**

North Richland Hills Municipal Court is a court of record. A defendant has the right to appeal, from a judgment of conviction, in a municipal court of record as provided by Chapter 30, Texas Government Code, Subchapter V. To appeal you must file an appeal bond with the municipal court within 10 days of the date of the judgment.

### **Attorneys**

The Municipal Court does not appoint attorneys or lawyers. You may hire an attorney to represent you in court and have the attorney file a letter of representation with the court. If you are a juvenile or a minor, and have an attorney representing you in court, you and your parent must still appear in Court with your attorney.