

PREPARING FOR YOUR COURT TRIAL

You have entered a plea of NOT GUILTY to charges brought against you and have been scheduled for a Court Trial on _____. Subpoenas will now be issued on behalf of the People to bring the citing officer and any witnesses to Court to testify. You also may issue subpoenas to bring witnesses to Court to testify on your behalf. If you wish to have subpoenas issued, see the clerk at the front counter.

Prior to the commencement of the trial, you have the right to withdraw your plea of Not Guilty and enter a plea of Guilty or No Contest to the charges that have been brought against you.

You have several rights that you may exercise **during your trial**. They are as follows:

- 1. The right to confront witnesses.**
You have the right to confront or cross-examine witnesses who may be called to testify against you.
- 2. The right to call witnesses and present evidence.**
You have the right to call witnesses to testify on your behalf and to present evidence to the Court, which supports your case.
- 3. The right to remain silent.**
You have the right not to testify in your case. If you choose to testify, you give up the right to remain silent and are subject to cross-examination.
- 4. The right to have sentencing delayed.**
If you are found guilty, you have the right to have sentencing delayed for not less than 6 hours and not more than 5 days.

IF YOU ARE FOUND GUILTY, YOU HAVE THE RIGHT TO APPEAL THE DECISION.

Your case is scheduled with other cases and will not be called in any particular order. If you are not present when your case is called, your case may be tried in your absence or the officer may be excused and your case dropped from the calendar. A Civil Assessment of \$250.00 will be levied for your failure to appear or a bench warrant will be issued for your arrest.

When your case is called, you will be asked to come forward with your evidence and your witnesses. All parties will be sworn. The People may be represented by the District Attorney, however, the District Attorney will not be present for most cases. The District Attorney (or the Police Officer if the District Attorney is not present) will present the People's case first. In the absence of the District Attorney, the Court may ask questions of the witnesses. After testimony, but not during, you will have the opportunity to cross-examine any witnesses. You may ask questions during cross-examination, but you may not argue with the witnesses or present statements about the case.

Once the People have presented their case, you will then present your case. At this time you may present evidence and testimony from any witnesses you may have called. You are not required to testify. No inference will be made by the Court should you choose to exercise your right to remain silent. The People may cross-examine you and/or your witnesses after you and/or your witness testifies.

If you are presenting physical evidence, it is suggested but not required that you have copies of the evidence to offer to the People and a copy to keep for yourself. Evidence will be marked and, in most cases, retained by the Court for a minimum of 30 days. You may request the return of any evidence submitted after 30 days if no appeal is filed.

Both you and the People will have the opportunity to make a closing argument. Whether you testify or not, you still have a right to make a closing, summary statement (argument) to the Court. However, the closing argument is not evidence in the case and no new evidence may be presented at that time. The only evidence that the Court can consider is that evidence taken under oath after the witnesses have been sworn. A closing argument is merely your assessment of how the Court should view the evidence that has been submitted.

The Court may make a ruling in your case at the time of trial or may take your case under submission. If your case is taken under submission, a date will be set for ruling. You are not required to be present at the ruling. If you are not present, a copy of the ruling will be mailed to you.

If you have any questions about the Court Trial procedures, changing your plea, or if you wish to request traffic school, you need to ask those questions or make those requests **BEFORE** your trial begins and the witnesses are sworn. You do not need to wait for your case to be called. **NOTIFY THE COURT CLERK BEFORE YOUR TRIAL COMMENCES IF YOU WISH TO BE HEARD ON A MOTION OR REQUEST.**

If, prior to your Court Trial date, you find that you cannot appear on the scheduled date, you may file a Request for Continuance. The form you need to file is available at the front counter. The request MUST be made two working days before your trial date.