

THE TRIAL

A trial in municipal court is a fair, impartial and public trial as in any other court. Under Texas law, you may be brought to trial only after a sworn complaint is filed against you. A complaint is a document that alleges the act you are supposed to have committed and that the act is unlawful. You may be tried only for what is alleged in the complaint. You have the following rights in court:

- (1) The right to have notice of the complaint not later than the day before any proceedings;
- (1) The right to inspect the complaint before trial, and have it read to you at the trial;
- (2) The right to have your case tried before a jury, if you so desire;
- (3) The right to hear all testimony introduced against you;
- (4) The right to cross examine witnesses who testify against you;
- (5) The right to testify in your behalf,
- (6) The right not to testify, if you so desire. If you choose not to testify, your refusal to do so may not be held against you in determining your innocence or guilt; and you may call witnesses to testify in your behalf at the trial, and have the court issue a subpoena (a court order) to any witnesses to ensure their appearance at the trial. The request for a subpoena may be oral or in writing.

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 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 need a continuance for your trial, you must put the request in writing and submit it to the court with your reasons prior to trial.

The judge will make a decision whether or not to grant the continuance. You may request a continuance for the following reasons:

- (1) A religious holy day where the tenets of Your religious organization prohibit members from participating in secular activities such as court proceedings (You must file an affidavit with the court stating this information); or
- (2) That you feel it is necessary for justice in your case.

PRESENTING THE CASE

As in all criminal trials, the State will present its case first by calling witnesses to testify against you.

After Prosecution Witnesses have finished testifying, you have the right to cross-examine. In other words, you may ask the witnesses questions about their testimony or any other facts relevant to the case. You may not, however, argue with the witness. Your cross examination of the witness must be in the form of questions only. You may not tell your version of the incident 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 knows anything about the incident. The State has the right to cross-examine any witness that you call.

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.

JUDGMENT/VERDICT

If the case is tried by the judge, the judge's decision is called a judgment. If the case is tried by a jury, 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 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.

FINES

The amount of fine the court assesses is determined only by the facts and circumstances of the case. Mitigating circumstances may lower the fine, even if you are guilty. On the other hand, aggravating circumstances may increase the fine. The maximum fine for most municipal court traffic violations is \$200; for municipal court penal violations - \$500; for certain city ordinance violations - \$2,000; and for other city ordinance violations - \$500.

COURT COSTS

In addition to a fine, court costs mandated by state law will be charged. The costs are different depending on the offense. You need to check with the court for the amount that will be assessed to the violation for which you are charged. If you request a trial you may have to also pay the costs of overtime paid to a peace officer spent testifying in the trial. If you request a jury trial an additional \$3 jury fee is assessed. If a warrant was served or processed by a peace officer, an additional \$50 fee is also assessed.

Court costs are assessed if you are found guilty at trial if you plead guilty or nolo contendere, if your case is deferred for a driving safety course, or if your case is deferred and you are placed on probation. If you are not found guilty, court costs cannot be assessed.

NEW TRIAL

If you are found guilty, you may make an oral or written motion to the court for a new trial. The motion must be made within one day after a judgment of guilt has been rendered if the judge is persuaded that justice has not been done in the trial of your case. Only one new trial may be granted for each offense.

APPEALS

If you are found guilty, and are not satisfied with the judgment of the court, you have the right to appeal your case. To appeal, unless you are in a court of record, you must file an appeal bond with the municipal court within 10 days of the judgment if you appeared in

Open court. If you pled guilty or nolo contendere, waived your right to a jury trial and requested the amount of fine and appeal bond, put the request in writing and mailed or delivered it to the court before your initial court appearance date, you have up to 31 days from the time you received a certified notice from the Court to pay fine or file an appeal bond with the municipal court Defendants in courts of record should check with the court for rules regarding appeals.