

TRIAL PROCEDURES

At your trial, the City Prosecutor will first present evidence against you. Then you will have a chance to tell your side of the story. At the trial, the Prosecutor must prove your guilt beyond a reasonable doubt. The Prosecutor will call witnesses to testify about the facts alleged in the charge. When each witness has finished answering the Prosecutor's questions, you or your attorney will have the right to question the witness. This is called cross-examination. Cross-examination is not a time when you can testify or argue with the witness. It is an opportunity for you to ask questions in an attempt to determine that the testimony given by a witness is not only truthful but also complete.

After all witnesses for the City have testified, you will have an opportunity to present your case, if you wish to do so. You may call witnesses to testify in your defense*. Any witness who testifies on your behalf may also be questioned by the Prosecutor. You also may testify in your own defense if you wish to do so. If you do testify, you may be questioned by the Prosecutor. If you do not testify, the Prosecutor is not allowed to call you as a witness and your silence cannot be used as evidence of guilt. You also have the right to present no evidence of any kind at your trial and rely on your presumption of innocence.

If you have presented any evidence in your case, the Prosecutor has the right to present "rebuttal" evidence. Rebuttal evidence is evidence that the Prosecutor believes explains or disproves your evidence.

After all witnesses have testified, each side may give a closing argument. This is not an opportunity to provide new evidence to the Judge. Rather, it is an opportunity to tell the Judge why you should be found not guilty or guilty based on the evidence that has already been presented. The Judge must then decide if you are not guilty or guilty. If you are found guilty, the Judge will assess a punishment, considering the seriousness of the offense and any explanation offered by you during your evidence. If the Judge finds you not guilty, you are free to go without a punishment and your case will be a closed record as defined by Missouri law. If you have been found guilty after a trial before the Municipal Judge, you have the right to a Trial de Novo before a Circuit Judge or an Associate Circuit Judge of the Circuit Court of St. Francois County, Missouri. This right is explained in the Trial De Novo Information Sheet, which is on the Municipal Court's web site.

***SUBPOENA OF WITNESSES:** If you are not certain your witnesses will come voluntarily, you need to obtain from the court clerk a subpoena for each person you wish to subpoena. The clerk will issue a subpoena, signed and sealed but otherwise blank and you will need to fill in the blanks and then make arrangements to have it served on the person you wish to have present. If you do not obtain service of a subpoena and a witness does not come voluntarily, the Court will almost never grant a continuance. That is because the Court has advised you ahead of time to be certain to obtain service of a subpoena. Sometimes, defendants expect the city attorney to have certain witnesses present at court. You must never assume this to be the case. If you want the testimony of a particular police officer or a witness to the actions you are alleged to have taken or someone else, you need to be certain to obtain service of a subpoena on that person.