

YOUR RIGHTS AT TRIAL

You have requested a trial of your case in municipal court. You have certain rights and responsibilities when your case is set for trial. This brochure is designed to help you understand those rights and responsibilities and to explain court procedures.

Right to Attorney or to Represent Yourself.

You have the right to be represented by an attorney. Because municipal court cases are punishable by fine only, you must hire an attorney if you desire legal representation. You also have the right to act as your own attorney. This is called appearing "pro se." In representing yourself, you have the rights and the responsibilities of an attorney. The court will expect you to follow the Texas Rules of Evidence, the Texas Code of Criminal Procedure, the court's standing orders and exhibit proper courtroom decorum. The State will be represented by an assistant city attorney (prosecutor).

Appearance Docket. Prior to the day of trial, you must attend an appearance docket. At this docket, you will have the opportunity to speak with a prosecutor and receive a plea offer. If you and the prosecutor can agree on a way to resolve your case (plea agreement), your plea will be presented to the court at the docket. Most cases are resolved this way, but the court is not required to follow the plea agreement. If the court decides not to follow the plea agreement, you may withdraw your plea and the court will set your case for trial.

If you and the prosecutor cannot reach a plea agreement, or if you do not wish to speak with

the prosecutor; then the court will visit with you about how to resolve your case.

Continuances. If you cannot attend your scheduled court date, you must submit a request for continuance in writing to the court before your court date. The court will decide whether to grant your request. If you fail to appear for your court date and no continuance has been granted, then a warrant for your arrest will be issued.

The Trial. You have a right to trial by jury. In a jury trial, the case begins with selection of a jury from the jury panel. The prosecutor will question panel members about their qualifications to hear your case, and then you have the right to question the panel members. If you think that a venireman will not be fair, then you may ask the court to excuse the venireman. The court will decide whether to grant your request. You may also strike (mark out) the names of up to three venireman from the list of panel members. The state may also strike up to three venireman. The jury is made up of the first six names that have not been marked out by either side. At the end of a jury trial, the court will read a set of instructions to the jury prior to their deliberations. You have a right to review these instructions and make objections to them on legal grounds. If the jury's verdict is guilty, you may elect to have the jury assess your fine.

If you waive your right to a jury trial, the court will decide your case. This is called a bench trial.

Complaint. Criminal proceedings in court begin with the filing of a written complaint. You have a right to examine this complaint before trial. You also have the right to object to the complaint on legal grounds. The complaint will

be read aloud by the prosecutor at the beginning of your trial. Any objection to the complaint must be made before the day of trial.

Trial Procedures. The state will present its case first by calling witnesses to testify. You have the right to cross-examine any witness. On cross-examination, you may ask questions about the facts and circumstances concerning the violation with which you are charged. You cannot argue with the witness or make a statement – you may only ask questions.

After the state has presented its case, you may present your case. You are presumed to be innocent and are not required to present a defense, but may do so if you choose. You have the right to call witnesses to testify on your behalf. You also have the right to have the court issue subpoenas for your witnesses to ensure their appearance at trial. Your written request for subpoenas must be submitted at least TWO weeks before the scheduled trial date to the municipal court docket clerk. At trial, your witnesses may only testify to matters of which they have personal knowledge.

During the presentation of your case, you have a right to testify. You also have a right not to testify. If you choose not to testify, your silence cannot be used against you to determine whether you are guilty of the offense alleged in the complaint. If you testify, the prosecutor may cross-examine you.

You have the right to bring exhibits (such as documents or photography) with you and offer your exhibits during the trial. The introductions of the exhibits must comply with the Texas Rules of Evidence. The prosecutor may object to your exhibits, and the court will rule on any

objections. You may also make objections to the state's exhibits based upon the Texas Rules of Evidence. If you wish to view the state's evidence prior to trial, you must file a written motion for discovery at least two weeks before the trial date with the municipal court clerk. Any exhibits that you wish to offer will become a part of your case if successfully introduced during your trial. If you are found guilty of the offense charged against you, the evidence entered during trial will remain with the court.

If you have an objection, you must stand and state the legal ground for your objection. You must also stand any time you are addressing the court or the jury. When you are questioning witnesses, you will remain seated.

After the testimony is concluded, you may stand and make closing argument to the court or jury. Your closing argument may be based only upon the evidence in the trial (the testimony given under oath from the witness stand and the exhibits that were admitted). New facts or evidence may not be introduced during your closing argument.

Judgment and Appeal. After the court or jury makes its decision as to whether you are guilty or not guilty, the court will receive the verdict. If you are found not guilty, you will be free to leave after the trial and will owe no fine or court costs. If you are found not guilty, you maybe entitled to an expunction. If you are found guilty, the court will enter a judgment and advise you of the amount of the fine and court costs. The court will then provide detailed instructions regarding the right to appeal and the procedures for appeal. You have the right to appeal a finding of guilty by filing a written Motion for

New Trial within 10 days of the judgment. If the Motion for New Trial is denied and you wish to continue your appeal, you have an additional 10 days after the motion is denied to file a Notice of Appeal and post an appeal bond in the amount of twice the fine and court costs assessed. If you decide to waive your right to appeal, the court will address your ability to pay. At that time, you may discuss payment arrangements or request an indigency hearing. The municipal court staff and prosecutor cannot help you prepare your appeal or give you any legal advice.

If you are unsure about how to try your case, you are encouraged to contact an attorney.

CITY OF CANYON MUNICIPAL COURT



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Municipal Court
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www.canyontx.com/114/municipal