

YOUR RIGHTS IN THE MUNICIPAL

The Municipal Divisions Courts are authorized by the Missouri Constitution and Statutes and created by the Ordinances of the City. It is a division of the Circuit Court of Christian County. As such, it operates under Missouri Supreme Court rules and the local rules of the Circuit Court. The purpose of this court is to provide you with a place to obtain a fair and impartial hearing on any citation alleging a violation. While this is a general overview of your rights in municipal division courts, each individual court may have local rules that may apply to your case. Please check with the municipal division court for the local rules. The Court has jurisdiction on all cases arising under the Ordinances of the City of Clever. This Court is not conducted as a source of revenue. The employment of the Judge, Prosecutor, Police Officers, or other City Official has no bearing upon the amount of fines and costs imposed or collected. The efficiency of a police officer is not determined in any way by the number of citations he/she issues.

Municipal division courts are courts of law established to protect the rights of all citizens. If there is anything you do not understand, do not hesitate to ask the judge.

Our court is open to the public of all ages.

Right to have a judge decide if you can afford an attorney or pay fines

If you want an attorney, but cannot afford one, you can ask that the judge decide if you qualify for a court-appointed attorney. You may be required to fill out paper work about your finances as a part of this process.

You can also request the judge to decide if you are able to pay court fines or to be granted an alternative sentence. You may be required to fill out paper work regarding your finances as part of this process.

Right to a court-appointed attorney

If you show you cannot afford an attorney, and the city is seeking to put you in jail, the court will provide an attorney to represent you.

Right to request a change of judge

You may request a change of judge for any reason within ten (10) days after you enter your initial plea. If it is past the ten (10) days, then you must show cause why the judge should be changed. In addition, a judge may recuse himself if a conflict is apparent.

Right to access YOUR court records

You have the right to see court records that pertain to **your** case. This includes records that show charges, court rulings, fines, and other information.

Continuance

At the first setting of your case, you may request a continuance in order to obtain an attorney to prepare your defense. If you desire a continuance, you should request it after your case is called and before entering your plea of guilty or not guilty.

If you are a non-U.S Citizen

If you do not have the proper documentation to be in the United States, you should know that a guilty plea or conviction may result in your deportation, denial of admission to the United States, or you may be denied naturalization under United States law. You may wish to speak with an attorney, especially before entering a guilty plea to any charges.

If you need ADA accommodations

You have rights under the Americans with Disability Act (ADA). For example, if you or a witness are deaf or hearing impaired, you have the right to request assistance, including an interpreter. For help, please contact that the court's ADA coordinator. www.courts.mo.gov/page.jsp?id=180 or 573-751-4377 or email access2justice@courts.mo.gov

Pleas in a Municipal Division

You are presumed innocent unless and until the City's Prosecution proves you are guilty beyond a reasonable doubt. When reasonable doubt exists, the case will be decided in your favor. If, after the charge is read and you understand it, you have the following pleas:

IF YOU PLEAD GUILTY: (1.) You will be sentenced immediately. Payment in full is imperative to dispose of the case. No partial payments will be accepted unless authorized by the Judge. (2.) The Court may allow you time to pay your fine. If you are given an extension your fine you will fill out a payment plan form and will receive a carbon copy. Make sure you appear on the court date noted on the payment plan if you have not paid your court fine as instructed. **FAILURE TO APPEAR WILL RESULT IN THE ISSUANCE OF A WARRANT FOR YOUR ARREST.**

IF YOU PLEAD GUILTY WITH AN EXPLANATION: If you plead guilty with an explanation, you have admitted that you committed the offense. Your explanation will only affect the punishment that will be imposed. You may be asked to sit and wait until the end of docket call. At that time, defendants will be given an opportunity to present any unusual circumstances, which they believe, are in their favor. Again, remember that when you plead guilty with an explanation, you are admitting that you committed the offense.

IF YOU PLEAD NOT GUILTY: Because of the number of cases before the court each month and the need to have the officer and any other witnesses present, your case cannot be heard today. You will be given a future court date for trial. (1.) You have the right to testify or remain silent. If you remain silent, it is not considered an admission of guilt. If you testify, the Judge may consider any statement you make in determining your guilt or innocence. (2.) You have a right to question all witnesses who testify against you. (3.) You have the right to ask the clerk to issue a subpoena to require witnesses to come and testify. (4.) If you are found not guilty, the case ends. (5.) You may, if found guilty, accept the decision of the Municipal Court, or appeal your case to the Christian County Circuit Court, where you may have a new trial before a new Judge. The request for a new trial must be made within ten (10) days of entry of the Court's decision and cannot be extended for any reason. There is also a \$45.00 filing fee paid to the Circuit Clerk of Christian County, which must accompany your request. Complete details of the appeal procedure will be explained to you by Court personnel upon request.

Right to a Trial

THE ORDER OF TRIAL:

- (1.) The case is called.
- (2.) The charge is read.
- (3.) Witnesses are sworn.
- (4.) The Prosecutor questions the City's witnesses; you or your attorney has the opportunity to cross-examine these witnesses.
- (5.) You may testify and/or call witnesses to testify on your behalf to explain your version of what happened.
- (6.) The City Prosecutor may question you and your witnesses.
- (7.) The Judge renders the Court's decision. This is a Court of Law established to protect the rights of all citizens. If there is anything procedurally that you do not understand, do not hesitate to call and ask questions. While the Judge is a

licensed attorney, in private practice, he may not advise you what you should or should not do. He may explain procedure, but he is prohibited from representing either you or the City.

Punishments and Fines

If you plead guilty or are found guilty, you may face the following punishments or fines: 1. Minor traffic violation – up to \$225 total fines and costs.

2. Housing, zoning, or building code violations – up to \$200 total fines and costs for 1st violation in a year, \$275 for the 2nd violation in a year, \$350 for the 3rd violation in a year, and \$450 for the 4th and any subsequent violation in a year.

3. All other municipal code violations – up to \$500 fine plus costs.

4. In addition to these fines and costs, certain violations may result in jail time. Such violations include any violation involving alcohol or drugs, violations endangering the health or welfare of others, or giving false information to law enforcement. You may face up to a year in jail.

You may be able to pay your fines by mail, online, or in person instead of appearing in court. Please check with the clerk of the municipality in which your case is located to get information on how you can pay fees and fines in the municipality.

You may not be put in jail for failure to pay fines or costs unless the judge finds you have the ability to pay but are unwilling to pay or when alternative sanctions to jail are not sufficient.

While in the Courtroom, please:

- Turn off cell phones. Remove your hat.
- Remain seated until your case is called.
- Not smoke or consume food or drink.
- Not talk, make noise, sleep, or
- Otherwise disrupt the Court proceedings.

Online Fine Payment Portal

Many tickets may be paid online through the Violation Bureau on our secure payment portal. Please note that most cases will have court costs assessed in addition to the fines. To make a payment you can click on the "Fine Payment Portal" and find your case by case number or name. If you cannot find your case please contact Clever Municipal Court at 417-743-2544.

Fines

The City of Clever has provided the link to the Traffic Violations Bureau for you to use as a reference to determine the expected cost of an infraction. If you were in an accident, school zone, construction zone, emergency zone, or your violation is NOT listed, or you want to see the judge, you must appear in person on your scheduled date.

Frequently Asked Questions

What is Clever Municipal Court?

It is a division of the Christian County Circuit Court that handles alleged violations of Clever City ordinances.

Is there a way to pay a citation without appearing in court?

The only pre-payable citations are listed on the Traffic Violations Bureau page. For more information contact 417-743-2544. Please allow a few days after receiving a citation before calling. Please note: By paying one of these citations you are pleading guilty, waiving your right to a trial, and right to be represented by an attorney. Finally, by pleading guilty a conviction will be entered which could have effects upon your driving privileges and/or criminal record.

What type of payment options are available?

Payments can be made by cash, check, money order, E-Checks, debit card and most major credit cards. E-Checks, debit and credit card payments are assessed a convenience fee from a third-party vendor. A fine schedule is available for reference. [Fine Schedule/link](#)

May I ask the Court for a payment plan?

Yes. If you have a legitimate hardship in paying the fine assessed at the time you are in court, the judge may allow an extension to pay. You will be asked to sign an agreement stating that you understand the conditions by which the judge is allowing you extended time to pay your fines and costs. If you cannot pay by the due date, you understand that you are being ordered to appear on or before that due date to show cause why you cannot pay. You will be required to provide your SSN, current address, and phone number. If you fail to pay your fine or appear on or before the due date to show cause why you cannot or have not paid, a warrant for your arrest may be issued for failing to appear.

If I don't go before the judge, why do I have to pay court costs?

"Court costs," "fees," "miscellaneous charges," and "surcharges" are set by state statute, Missouri Supreme Court rule, and Clever City ordinance. By law, they are assessed to each case regardless of court appearance.

How do I get a continuance?

Continuances will not be granted over the phone nor given on the day of court (unless seen by the Judge). Only ONE continuance will be granted, otherwise, your appearance is required. In order to get a continuance, please fill out the "Motion to Continue" Form that is located on our website. Form must be sent to the court prior to the court date. "Motion to Continue" will then be sent to the Judge for decision.

What is an arraignment?

After receiving a citation, the defendant is given a date and time to appear before the judge. The defendant must enter a plea of guilty, guilty with explanation, or not guilty during the proceeding.

Do I need an attorney?

You are not required to have an attorney, however the decision to hire an attorney is a decision that you need to make for yourself.

What if I do not appear for my arraignment or trial?

A warrant may be issued for your arrest.

What if I do not believe I violated any laws?

You can plead "not guilty" and a trial date will be set to appear in court. At the trial the City will present evidence and witnesses, you will be able to do the same. The Judge will then make a decision based upon that evidence.

What if I want to plead "guilty"?

You can plead "guilty" and the judge will assess a penalty based on the offense and within accordance of the law.

If a defendant is found "guilty" of a moving violation the Department of Revenue will be notified and points will be assessed. Your auto insurance cost may be affected by this conviction.

I asked the clerk how I should plead when I speak to the judge. They said they couldn't help me. Why?

Court personnel may provide information, but may not give legal advice.

Is it possible to keep this citation(s) off my driving record?

If you would like to ask what options are available, if any, to you in order to keep the citation off of your record, you will need to appear in person on your scheduled court date. When you arrive to court you will have a chance to speak with the Prosecuting Attorney. At that time, you may discuss your citation(s) with the Prosecutor. If any options are available to you, you will be informed at that time. The Prosecuting Attorney will not discuss any citation(s) outside of court, or by phone.

I received a citation for no proof of insurance. Can this citation be dismissed?

You will need to contact the Prosecutor's office directly for more information: 417-743-5109.

May I bring someone to court with me?

Yes, providing there is adequate courtroom seating available. However, it is the defendant who must appear before the judge. If at all possible, please try to avoid bringing small children to court as the wait is usually difficult for them.

I'm coming to court. What should I expect?

Each case is different, but generally at the first appearance you may anticipate the following procedures. Please arrive at least 15-30 minutes prior to your court time. You will be greeted by a bailiff at the door and will be required to be screened through a metal detector and your belongings will be screened. You should proceed into court room as indicated by the bailiff after signing in. It is helpful to bring your copy of the citation and some form of ID. Additionally, bring whatever documents you feel you want to present to the court in regards to your case. The court staff will provide you with a written document that describes your rights in this court proceedings. While in the courtroom, you are expected to do nothing that would disrupt the court proceedings. In the court there is no smoking, eating, drinking, talking or wearing of hats. Please turn off cell phones and all other electronic devices. If possible, please do not bring small children to court as the wait is usually difficult for them. A bailiff is present in the courtroom to ensure that the proceedings run smoothly and safely. The judge will direct you to approach the bench when called. Please listen carefully to the judge's instructions and follow all directions of the court staff.