

IN THE 46th JUDICIAL CIRCUIT OF TANEY COUNTY, MISSOURI
BRANSON MUNICIPAL DIVISION
KNOW YOUR RIGHTS

Right to know when the court is open

Every municipal court has different hours it is open. Branson Municipal Court is normally open Monday – Friday 8am to 4:30 pm.

Right to attend court

Municipal courts in Missouri are open to the public.

Right to access court records

If you have a case in municipal court, you have the right to see the court records for your case. This includes records that show charges, court rulings, fines, and other information for your case.

Right to an attorney

You have the right to be represented by an attorney and may hire one at any time. When you first appear in court, you can ask to postpone the hearing one time so you can hire an attorney. However, you are not required to have an attorney represent you. You may represent yourself.

Right to have a judge decide if you can afford a lawyer 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 paperwork about your finances as 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 paperwork regarding your finances as a 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 different judge

You may request a change of judge for any reason within ten days after you enter your initial plea. If it is past the 10 days, then you must show cause why the judge should be changed.

In addition, a judge may decide he or she cannot hear the case if they have a conflict of interest in the case or the judge will appear as the prosecuting attorney in a neighboring county where the prosecuting attorney will serve as judge.

Right to Trial

If you plead not guilty, your case will be scheduled for trial. Because of the number of cases the court hears each month and the need to have the officer and any witnesses present, your case cannot be heard on your originally scheduled court date. You will be given a future court date for trial.

When your case is scheduled for trial, it will be in the same municipal court in which you appear, UNLESS you request a jury trial. A request for a jury trial should be made by written motion 10 days prior to the scheduled trial date. If the motion is timely, your case will be sent to the presiding judge of the Circuit Court of Saline County for a new trial date with a jury.

1. At trial, you have a 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 deciding your guilty or innocence.
2. At trial, you have the right to ask questions of witnesses testifying against you.
3. You have a right to require witnesses to come to trial and testify with a subpoena.
4. If you are found guilty, the case ends.
5. If you are found guilty, you can accept the decision or appeal to the Circuit Court. If you appeal your case, you will be granted a new trial before a different judge. The request for appeal must be made within 10 days of the court's decision and cannot be extended for any reason. You can appeal even if you are not able to pay. You can ask the clerk for information on the process.

Trial Process

1. The case is ready to be heard by the judge.
2. Witnesses are given an oath to testify.
3. The City's witnesses explain their version of what happened.
4. You or your attorney can ask questions of the City's witnesses.
5. You may testify and call witnesses to explain your version of what happened.
6. The City prosecutor may question you and your witnesses, if you and your witnesses testify.
7. The judge makes the decision.

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 Disabilities Act (ADA). For example, if you or a witness is deaf or hearing impaired, you have the right to request assistance, including an interpreter. For help you can find a list of ADA coordinators at <http://www.courts.mo.gov/page.jsp?id=180>