City of Beckley
Municipal Court

340 Prince Street Beckley, WV 25801 (304) 256-1719

Your Rights in Municipal Court

This information has been prepared to help you understand the court proceedings and to inform you of your rights and duties. Every person should leave the court feeling that he or she has had a fair and impartial trial hearing.

Municipal Court is the judicial branch of city government, and is part of the state judicial system.

City traffic charges and ordinance violations are tried in Municipal Court. Upon conviction, the Court may impose either a fine or a jail sentence; or both. Court may also order restitution or Community Service as part of the sentence.

Trials are conducted under the rules set forth in the West Virginia Statutes.

BEFORE COURT BEGINS

There is no disruptive behavior, eating, drinking, use of cell phones, or smoking permitted during court. When instructed to do so, come forward and wait to be summoned before the Judge. The violations that you are alleged to have committed will be read and at that time you should be prepared to plead either:

1. **Guilty**
2. **No Contest, or**
3. **Not Guilty**

If you signed a citation in front of an officer, you did not plead guilty, but only signed a promise to appear in court on your appearance date.

Your decision on what plea to enter is the most important decision you will have to make. We suggest that you consider the following explanations before entering your plea. If you feel that you would like to seek the services of an attorney, please inform the Judge and you will be given time to do so.

PLEA OF GUILTY

By a plea of guilty you admit that you committed the act charged, that the act is prohibited by law and that you have no defense for your act.

Before entering a plea of guilty you need to understand the following:

1. The City has the burden of proving its case against you. You have the right to hear the City's evidence and to require it to prove its case. The law does not require you to prove anything.

2. If you were involved in a traffic accident at the time of the alleged offense, your plea of guilty could be used later in a civil suit for damages as an admission by you that you were at fault or were the party responsible for the accident.

You are URGED to plead not guilty if you do not feel that you are guilty.

PLEA OF NO CONTEST

This plea has the same effect as a plea of guilty, but says that you are not admitting nor disputing the charge. The Judge would then determine the appropriate punishment.

PLEA OF NOT GUILTY

A plea of not guilty means that you deny guilt and the City must prove its charges against you. Your case will be set for trial and you will be given a date to appear. You will receive no other notice with regard to your trial date.

If you plead not guilty you will need to decide whether to employ an Attorney to represent you at trial. You may defend yourself but no one else except an attorney may represent you.

At the time of the trial, the City will be required to prove all the allegations against you as contained in the formal complaint "beyond a reasonable doubt", before a verdict of guilty can be reached.

THE TRIAL

Under West Virginia law, you can be brought to trial only after a formal complaint has been filed. The complaint is the document, which alleges what you are supposed to have done, and that your action was unlawful.

- You have the right to inspect the complaint before trial, and have it read to you at trial.
- You are entitled to hear all testimony against you.
- You have the right to cross-examine any witness who testifies against you.
- You have the right to testify in your own behalf or not as you choose.
- You may call witnesses to testify in your behalf.
- You also have the right to have the court issue subpoenas for witnesses to ensure their appearance at trial. However, you must furnish the names, addresses, and telephone numbers of these witnesses to the court as soon as possible so that they may be located and subpoenas served, at least two weeks prior to the trial.
- You may be represented by an attorney but one is not required unless conviction would likely result in a jail sentence. In such cases, the Judge shall so advise you.

PRESENTING THE CASE

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

After each prosecution witness has finished testifying you will have the right to cross-examine him or her. Your examination **MUST BE IN THE FORM OF QUESTIONS.** This is not the time to make a statement and you must not argue with the witness. You will have an opportunity to make a statement 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. You may testify in your own behalf, but cannot be compelled to do so.

THE VERDICT

The verdict of the Judge will be based on the testimony which sounds most reasonable and believable and on the facts proven during the trial.

If the Judge finds you guilty, he will announce the penalty. You should be prepared to pay the fine at that time.

FINES

The amount of fine assessed by the court is affected by the facts and circumstances of the case. Mitigating circumstances may lower the fine. However, aggravating circumstances may increase the fine. At the discretion of the Judge, you may request and be approved to be placed on a payment plan. A payment plan will have a date that all fines and court costs must be completely paid by.

COURT COSTS

If you are found guilty of an offense court costs are required by state law and the fines and costs are remitted both to the General Fund of the City and to the State Department of Revenue.

RIGHT TO APPEAL

If you are not satisfied with the judgment (verdict) of this court, you have the right to appeal the verdict to the Raleigh County Circuit Court. If you do appeal, you will be subject to any additional fees imposed by the Circuit Court. You will be notified of a new court date and your case will be heard again by another judge in its entirety. You must file this appeal within ten (10) days of the judgment. If the judgment is not appealed within ten days it becomes final and you must pay the fines and costs assessed by this Court. If you claim you are indigent (unable to post the appeal bond) the Judge may set a hearing to determine if you may file your appeal as indigent.

THE MUNICIPAL COURT

The Judge will base his decision only on the State Law or City Ordinance involved and the facts as determined by the testimony and other evidence presented. When you testify, try to be fair and calm. Do not try to evade answering any questions.