

Appearing in Hesston Municipal Court

Hours and Location

The Municipal Court Clerks' office is open 8:00 am to 5:00 pm, 444 N. Lancaster in Hesston.

Phone number: 620-327-2020

Fax number: 620-327-2236

Email: pdrecp@hesstonpd.org

Municipal Court is held on the 1st and 3rd Mondays of each month at **115 E. Smith** in the Hesston City Building. Court days may be changed due to holidays. If you are not sure of your pending court date, contact the Municipal Court, 620-327-2020. Some fines are set by the Judge on a **Fine Schedule**. These may be paid with the court cost any time **before** your scheduled court date.

Staff

Municipal Judge: Randall J. Pankratz

Municipal City Prosecutor: Michael X. Llamas

Municipal Court Clerk: Jeannine A. Hoheisel

Your Rights in Court

Your presence in Municipal Court today is perhaps your first experience in any court. This has been prepared to help you understand the court proceedings and to inform you of your rights and duties.

Municipal court is the judicial branch of city government. Traffic violations, misdemeanors, and violations of city ordinances are tried in municipal court either by pleas or by trials. Municipal courts **do** not have jury trials. Convictions will carry a fine , jail sentence or both.

Appearance in Court

When you appear in court you will be required to obey the following rules:

1. Appropriate clothing and shoes will be worn.
2. No caps or hats allowed.
3. Food and drink are not allowed in the courtroom.
4. While the court is in session, talking is not allowed, except with the authorized court personnel.
5. No smoking in the court room.
6. Cell phones and pagers will be **turned off**.

Right to an Attorney

In all cases in the municipal court, you may have an attorney represent you. When you are charged with an offense that may result in jail time as part of your sentence, you will need to decide whether you want to continue with or without an attorney. If you desire an attorney, and if the court finds you do not have the means to hire one, indigent, the court will consider appointing an attorney to represent you . This attorney will be at a **lesser pay rate than usual**.

Other places to get an attorney.

Kansas Legal Services, Inc. 1-800-675-5860

Lawyer Referral Services@ www.ksbar.org or www.kansaslegalservice.org

Phone: 1-800-928-3111 or 1-316-265-1247

All applicable forms: ww.kscourts.org/Kansas-Court/Judicial/Counsel

Supreme Court Rules: www.kscourts.or/rules

Glossary of Legal Terms:

www.ncsconline.org/wec/piublications/Res_Ctlnte_EnglishLegalGlossaryPub.pdf

Before Court Begins

You must decide upon and enter plea to the charge(s) against you. **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.** There are three possible plea to a complaint:

1. No Contest
2. Guilty
3. Not Guilty

Your decision on what plea to enter is the most important decision you will have to make. We suggest that you read the following explanations before entering you plea.

Plea of No Contest

A plea of **NO CONTEST** simply means that you do not wish to contest the City's charge against you and will allow the Judge to find you guilty. A plea of NO CONTEST cannot be used against you in a civil suit for damages.

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 you act. Before entering you plea of guilty, you need to understand the following:

1. The City had 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, when you go to trial. 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 please of guilty could be used later in a civil suit for damages as an admission by you that you were the party responsible for the accident.

Plea of Not Guilty

A plea of **NOT GUILTY** means that you are informing the court that you deny guilt and that the city must prove its charges against you. If you plea not guilty you will need to decide whether to retain an attorney to represent you at trial or you may defend yourself. No one else except an attorney may represent you. If you are indigent, cannot afford an attorney, the court will appoint an attorney to represent you. The **Court Appointed Attorney** will have a fee but at a lessor rate. There is a **Financial Affidavit** you may fill out and submit to the judge. However, if you are a minor (Under 18) one of your parents should be present.

Diversion

A diversion is a tool of the city prosecutor. You may fill out a **Diversion Application** and submit it along with remittance of \$25.00 for an application fee to the municipal court clerk. There are two (2) different **Guidelines** depending on your charge(s), one for **Uniform Public Code Offenses and Some Standard Traffic** and one for other **Traffic Offenses**. It will then be reviewed, along with your appropriate record to see if you qualify for your charge(s) to be diverted for one year. At the end of a year, if you have complied with the diversion agreement and have not had further dealings with the court, you will be successfully discharged. If a traffic offense is diverted, it will not be reported to Drivers Solution in Topeka Kansas.

Trial

Under Kansas law, you can be brought to trial only after a complaint or traffic citation has been filed. The complaint or citation is a document which alleges what you are supposed to have done and that your actions were unlawful. You have the right to inspect this complaint before trial, and have it read to you at trial. You **DO NOT** have the right to have your case tried before a jury in municipal court. You are entitled to hear all testimony introduced against you. You have a right to testify on your own behalf. You also have a constitutional right not to testify. If you choose not to testify, your refusal cannot and will not be used against you in determining your guilt or innocence. However, if you do choose to testify, the prosecutor will have the right to cross-examine you. You may call witnesses to testify on your own behalf. You also have the right to have the court issue subpoenas for witnesses to ensure their appearance at trial. However, you must furnish a Praecipe, a written request to the court clerk, of the names, addresses and telephone numbers of witnesses to the court, at least 10 working days before your trial date, so that the witnesses may be located and the subpoenas served. The police department will serve the subpoenas.

Presenting The Case

As in all trials, the city will present its case first by calling witnesses to testify against you. After each prosecution witness has finished his/her testimony, you will have the right to cross-examine him/her. Your examination must be in the form of a question and you must not argue with the witness. Do not attempt to tell your side of the story at this time. You will have an opportunity to do so 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, and to introduce exhibits such as photographs and diagrams.

The Verdict

The verdict of the judge will be based on the testimony which sounds most reasonable and on the facts presented during the trial. In making that determination, the judge can only consider the testimony of the witnesses who are under oath. If you are found guilty by the judge, he/she may announce the penalty at the time or may continue the case for a sentencing hearing. You should be prepared to pay the fine at the time of sentencing. However, you may be granted an extension or set up a payment plan.

Fine

The amount of the fine assessed by the court is affected by the facts and circumstances of the case. Mitigating circumstances may lower the fine, even if you are guilty. However, aggravating circumstances may increase the fine.

Right To Appeal

If you are not satisfied with the judgement of the court, you have the right to appeal your case to the Harvey County District Court. If you do appeal the judge's judgment, you must file a written notice to appeal with the clerk of the municipal court, post an Appeal Bond in the amount set out by the judge and pay the current District Court fee. The appeal must be filed within fourteen (14) days from the date of judgement.

For further information contact:

Hesston Municipal Court

PO Box 100

444 N. Lancaster

Hesston Kansas 67062

620-327-2020

pdrecp@hesstonpd.org