Trial Procedures

This court's first procedure before trial is a Pre-Trial. This is an opportunity for you to come in and present any motions, new discoveries, or speak to the prosecuting attorney who represents the State. If you hired an attorney to represent you, he or she must come in at this time.

A trial in municipal court is fair, impartial, and public as in any other court. Under Texas law, you can be brought to trial only after a sworn complaint is filed against you. A complaint is the document which alleges what act you are supposed to have committed and that the act is unlawful. You can be tried only for what is alleged in the complaint. You have the following rights in court:

1. To inspect the complaint before the trial and have it read to you at the trial;
2. To have your case tried before a jury, if you so desire;
3. To hear all testimony introduced against you;
4. To cross-examine any witness who testifies against you:
5. To testify in your behalf:
6. To testify, if you so desire. If you choose not to testify, your refusal to do so CANNOT be held against you in determining your innocence or guilt; and
7. You may call witnesses to testify in your behalf at the trial, and have the court issued a subpoena (a court order) to any witnesses to ensure their appearance at the trial. The request for a subpoena may be oral or in writing.

If you choose to have the case tried before a jury, you have the right to question jurors about their qualifications to hear your case. If you think that a juror will not be fair, impartial, or unbiased, you may ask the judge to excuse the juror. The judge will decide whether or not to grant your request. You are also permitted to strike three members of the jury panel for any reason you choose, except an illegal reason (such as a strike based solely upon a person's race).

Continuances

If you need a continuance for your trial, you must put the request in writing with your reasons and submit it to the court within 48 hours prior to (before) trial. **The judge will make a decision whether or not to grant the continuance**. You may request a continuance for the following reason:

1. A religious holy day where the tenets of your religious organization prohibit members from participating in secular activities such as court proceedings **(you must file an affidavit with the court stating this information)**; or
2. That you feel it is necessary for justice in your case.

Presenting the Case

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

After prosecution witnesses have finished testifying, you have the right to cross-examine. In other words, you may ask the witnesses questions about their testimony or any other facts relevant to the case. You cannot, however, argue with the witness. Your cross-examination of the witness must be in the form of questions only. You may not tell your version of the incident 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. The State has the right to cross-examine any witness that you call.

If you so desire, you may testify in your own behalf, but as a defendant, you cannot be compelled to testify. It is your choice, and your silence cannot be used against you. If you do testify, the State has the right to cross-examine you.

After all testimony is concluded, both sides can make a closing argument. This is your opportunity to tell the court why you think that you are not guilty of the offense charged. The State has the right to present the first and last

arguments. The closing argument can be based only on the testimony presented during the trial.

Judgment / Verdict

If the case is tried by the judge, the judge's decision is called a judgment. If the case is tried by a jury, the jury's decision is called a verdict.
In determining the defendant's guilt or innocence, the judge or jury can consider ONLY the testimony of witnesses and any evidence admitted during the trial.
If you are found guilty be either the judge or jury, the penalty will be announced at that time. Unless you plan to appeal your case, you should be prepared to pay the fine at this time.

Source URL (retrieved on *2013-12-09 02:58*): http://www.cityofkyle.com/municipalcourt/trial-procedures