

COURT PROCEDURES

This contains important information that you should read.

The Municipal Judge, Patrick Caffey, is also a lawyer in private practice. If you are represented by Patrick Caffey, Miranda Johnson, Lora Ingels, or Sara Wheatley, or have any matter currently pending in any court in which one of those attorneys is involved, you should inform the court clerk.

MUNICIPAL COURT INFORMATION FOR DEFENDANTS

1. **INITIAL APPEARANCE:** Your first appearance in Municipal Court is for the purpose of arraignment to enter a plea to the charges. The possible pleas are as follows:
 - a. **Not Guilty** – If you enter a not guilty plea your case will be set for trial, status, or diversion conference at a later date (see section on bond below). You may request to schedule a meeting with the prosecutor no later than ten (10) business days before the trial date. You should keep in mind that you cannot be required to tell the prosecutor any of the facts and that statements made to the prosecutor can be used as evidence against you.
 - b. **Guilty** – If you enter a plea of guilty, you will be found guilty without a trial and a sentence will be imposed. After your plea, you may choose to present to the Court information in mitigation of the sentence (see the section on payment of the fines and costs).
 - c. **No Contest (nolo contendere)** – A no contest plea is entered without an admission of guilt, the defendant does not contest the facts and will be found guilty without a trial and sentence will be imposed. As with a plea of guilty you may present mitigating information to the Court (see the section on payment of the fines and costs).
2. **DIVERSION:** A diversion is a contract between you and the prosecutor. If you comply with the terms of your diversion as set out in the contract, without any violations, at the end of your set diversion term, the case against you will be dismissed with prejudice. Diversion terms typically include meeting with a diversion officer; paying court costs, restitution, fines and diversion fees; performing community service work; and substance abuse evaluation and/or treatment if applicable to your case. If you want to apply for a diversion, you must enter a Not Guilty plea and set your case for a diversion conference date. Your Diversion Application is due at least 7 days BEFORE your Diversion Conference. At the Diversion Conference, you will review the terms of your diversion with your diversion officer and sign the contract.
3. **BOND:** If your case is set for trial, or for other proceedings, the Court will set bond. You may post a cash bond or a bond by a bail bondsman. In some cases the Court might release you on your own recognizance or with some other form of security to insure your appearance. (For appeal bonds notice additional requirement in section on appeal.)
4. **WITNESSES:** You may have a subpoena issued to require a witness to appear to testify at your trial. You must request that from a court clerk, before your trial and you must provide the name and address of the witness to be subpoenaed at least fifteen (15) business days prior to the trial date.
5. **TRIAL PROCEDURE:** The order of trial is as follows:
 - a. **Opening Statement** – Both the City and the defendant may make a brief statement of what each intends to prove.
 - b. **City's Evidence** – The City will present witnesses to testify and/or other evidence such as maps, pictures, videos, etc. The defendant may cross-examine each witness.

- c. **Defendant's Evidence** – The defendant may present witnesses to testify (including the defendant's own testimony) and/or other evidence such as maps, pictures, videos, etc. The prosecutor may cross-examine each witness.
 - d. **Rebuttal Evidence** – Either side may present rebuttal to evidence presented by the other side.
 - e. **Closing Arguments** – Both the City and the defendant have the opportunity to tell the Court why their evidence has proven or disproven the elements of the charge.
 - f. **Finding** – The Court will enter a finding of guilty or not guilty.
 - g. **Sentence** – If the defendant is found guilty the Court will impose a sentence. (If the sentence is likely to result in a jail term, the defendant will be notified of a right to a lawyer before trial.) (See the section on payment of fines and costs.)
6. **MOTIONS AND OBJECTIONS:** At any appropriate time the defendant or the City may object to the admissibility of evidence or make appropriate motions.
7. **APPEAL:** If the defendant files a written notice of appeal within 14 days, after conviction and sentencing, the appeal will be set for trial de novo (new trial) in the Riley County District Court. Except for traffic infractions and contempt findings, which are tried to the Court, the trial on appeal may be to a jury.

The Riley County District Court requires an appellate filing fee to be posted equal to the district court's court cost. This is in addition to any appearance bond set by the Court. This payment shall accompany the notice of appeal, which may be filed with the clerk of the Municipal Court who will forward the file and bond to the Riley County District Court for further proceedings. If you file the notice of appeal directly with the Riley County District Court, you are required to give written notice to the City Prosecutor.

8. **EXPUNGEMENTS:** You have the right to petition the court for an expungement of any conviction. There is a three to ten-year waiting period (depending on the offense) before the conviction may be expunged. There may also be an expungement of an arrest record and a diversion. An expungement has the effect of removing the conviction, arrest or diversion from your record for most purposes. The law requires disclosure in some cases.
9. **PAYMENT OF FINES AND COSTS:** If there is a finding of guilty, either by plea or finding at trial, you **MUST** pay court costs. If you are unable to pay the fine and/or costs when they are imposed, you may request that you be granted an extension of time to pay, and you may request to work off the fine and most of the court cost by doing community service.
10. **COLLECTION AGENCY:** If your fines and costs are not paid according to the plan of payment set forth, within 90 days of sentencing, or during your parole/probation/diversion period, any unpaid fines and fees, to include restitution, will be turned over to Collection Bureau of Kansas for collection of the debit. If that happens, you will lose the option to work off the fine, and there will be additional fees charged by the collection agency.