



BAYTOWN MUNICIPAL COURT OF

RECORD

Trial Procedures

This pamphlet is designed to provide information about criminal court proceedings.

It is not a substitute for legal advice from a licensed attorney. If you have questions about your best course of action, what plea you should enter, your rights, or the consequence of a conviction of the offense with which you are charged, you should contact an attorney.

Neither the clerk, judge, nor prosecutor can give you legal advice.



CHECK-IN PROCESS

Court Room opens thirty (30) minutes before your scheduled appearance to give yourself time to check in. You must follow and adhere to the court's policies on dress code, security and procedures.

To view these policies, [please click here.](#)

RECORDING OF PROCEEDINGS

Baytown Municipal Court is a Court of Record. If you wish to have your Judge or Jury Trial recorded, you must submit a written motion notify the court 48 hours prior to your trial date.



UNDERSTANDING COURT PROCEDURES

Under our American system of justice, all persons are presumed to be innocent until proven guilty. Once a plea of not guilty, a trial is held.

As in all criminal trials, the State must prove the guilt of a defendant "beyond a reasonable doubt" of the offense charged in the complaint before the defendant can be found guilty by a judge or jury.

Your decision concerning which plea to enter is very important. You should read the following explanation of all three types of pleas and think carefully before making your decision.



PLEA OF GUILTY

By a plea of guilty, you admit that the act is prohibited by law and that you committed the act charged.

Before entering your plea of guilty, you should understand the following:

- The State has the burden of proving that you violated the law (the law does not require that you prove you did not violate the law).
- You have the right to hear the State's evidence and to require the State to prove you violated the law.
- A plea of guilty may be used against you later in a civil suit if there was a traffic accident (another party can say you were at fault or responsible for the accident because you pled guilty to the traffic charge).



GUILTY

PLEA OF NOLO CONTENDERE (NO CONTEST)

A plea of nolo contendere means that you do not contest the State's charge against you.

You will almost certainly be found guilty, unless you are eligible and successfully complete a driving safety course and/or court ordered probation.

A plea of nolo contendere may not be used against you in a subsequent civil suit for damages.



NO CONTEST

PLEA OF NOT GUILTY

A plea of not guilty means that you deny guilt and that the State must prove the charge that it filed against you.

If you plead not guilty, you need to decide whether to hire an attorney to represent you.



GUILTY

PRE-TRIAL

On your pre-trial hearing, you may submit any motions that you wish to file with the court;

- Motion to subpoena witnesses
- Motion to record
- If you need an interpreter, submit request 10 days prior to trial.



KNOW YOUR RIGHTS

- You have the right to a jury trial. You may waive a jury trial and have a trial before the judge, commonly called a “bench trial.”
- The right to have notice of the complaint not later than the day before any proceedings in the prosecution.
- The right to inspect the complaint before trial, and have it read to you at the trial.
- The right to hear all testimony introduced against you.
- The right to cross-examine witnesses who testify against you;
- The right to testify on your own behalf.
- The right not to testify (your refusal to do so may not be held against you in determining your innocence or guilt).
- You may call witnesses to testify on your behalf at the trial, and have the court issue a subpoena (a court order) to any witnesses to ensure their appearance at the trial.

If you elect to represent yourself, no person other than an attorney can assist you during a trial.



TRIAL PROCEDURES



If you need a continuance, you must put the request in writing with your reason for your request and submit it to the court ten (10) days prior to trial.

You may request a continuance for the following reasons:

- 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);
- You feel it is necessary for justice in your case; or By agreement of the parties (you and the prosecutor).

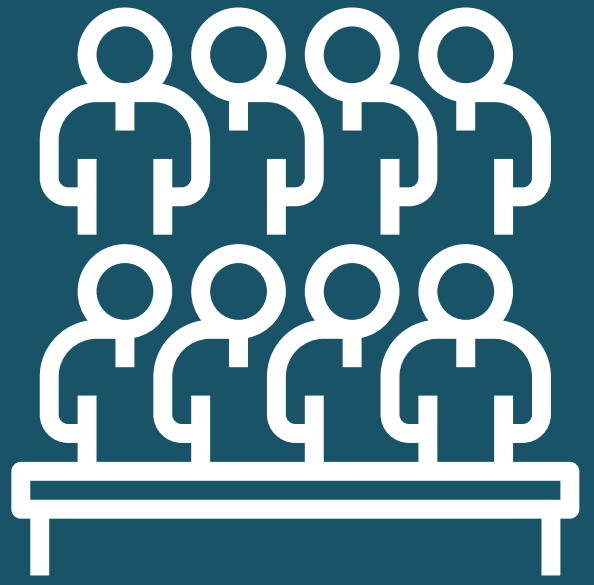
The judge decides whether or not to grant the continuance. Failure to submit the request in writing may cause your request to be denied.

VOIR DIRE

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.

You are also permitted to strike three members.



PRESENTING THE CASE



As in all criminal trials, the State has the “burden of Proof” and must prove the guilt of a defendant “beyond a reasonable doubt”, therefore he/she 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 may not, 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 on your own behalf, but as a defendant, you may not 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 or jury, 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 may 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 may consider only the testimony of witnesses and any evidence admitted during the trial.



If you are found guilty by 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.

FAILURE TO APPEAR

If you fail to appear for your scheduled trial, and want to reschedule you must do the following:

- Post a Cash Bond for the amount of your fine
- Post a Surety Bond, (Contact a bail bond Company)
- Post an attorney bond

If you fail to appear and do not post a bond on your case, a failure to appear may be filed and warrants may be issued for your arrest.

