

**TRIAL INFORMATION BROCHURE**  
***City of Beaumont Municipal Court***

**The Trial - Overview**

Under our American system of justice, all persons are presumed to be innocent until proven guilty. The State must prove you guilty of the offense with which you are charged "beyond a reasonable doubt". Every criminal defendant has the right to remain silent and refuse to testify (without consequences). You have the right to retain an attorney and have them try your case or answer your questions. Since offenses in this court are punishable only by fine and not by incarceration, you do not have the right to appointed counsel. Trials are conducted under the Code of Criminal Procedure as adopted by the Texas Legislature. These laws may be found in Chapter 45 of the Texas Code of Criminal Procedure.

A trial in Municipal Court is a fair, impartial public trial as in any other court. The Court follows the Texas Rules of Criminal Procedure and Texas Rules of Evidence in conducting all trials. These rules govern Court procedures followed during trial and also what evidence may be introduced during trial. All parties will be required to follow these rules.

A trial will be held if you have entered a plea of "not guilty" to the charge against you. A plea of not guilty means that you are informing the Court that you deny guilt in this case, and that the State must prove what it has charged against you.

If you plead not guilty, you have the right to a trial by Judge or Jury. You will need to decide whether to hire a lawyer to represent you at trial. You may defend yourself, but no one else except a lawyer may represent you. If you defend yourself, please be advised that all

proceedings will be conducted according to the rules of criminal procedure and the rules of evidence. If you choose to represent yourself, you must be prepared. The court staff, bailiff, prosecuting attorney or Judge cannot act as your attorney by providing legal advice or legal assistance in the presentation of your case.

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:

- The right to inspect the complaint before trial and have it read to you at the trial;
- The right to have your case tried before a jury, if you so desire;
- The right to hear all testimony introduced against you;
- The right to testify in your behalf ;
- The right to cross-examine any witness who testifies against you;
- The right not 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;
- The right to call witnesses to testify on your behalf at the trial and to have the court issue a subpoena (a court order) to any witnesses to ensure their appearance at the trial.

**Pre-Trial**

If you choose to have a jury trial, your case will be set for a Jury Pre-trial Conference before it is set for the actual jury trial. This will be a

chance to attempt to resolve the matter before trial. It is also a time when pre-trial motions may be heard. Pre-trial motions should be in writing and filed with the court on or before the pre-trial date. You must also provide a copy of your motions to the prosecutor. At pre-trial, the court will rule on any written motions filed with the court.

**Jury Trial**

If your case is being tried before a jury, you have the right to question jurors about their qualifications to hear your particular 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 upon solely on the person's race).

**Presenting the Case**

After a jury is selected, the state will read the complaint against you to you and the jury. After the complaint is read, each side may make "opening statements" to the jury. Because the state has the burden to prove the charges against you beyond a reasonable doubt, the state is allowed to go first in addressing the jury and in calling witnesses. The opening statement is not evidence for a jury but is essentially a road map of what the parties anticipate the evidence will show. Neither party has to make an opening statement but may do so if it chooses to do so.

As in all criminal trials, the State, through a city prosecutor, will present its case first by calling

witnesses to testify regarding the charges against you.

After each prosecution witness has finished testifying, you have the right to question or "cross-examine" the witness. In other words, you may ask the witnesses questions about his or her 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.

You may call witnesses on your own behalf to testify at trial. Any witnesses you call may also be cross-examined by the State after you have questioned the witness. 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 and your testimony may be used against you.

Both parties may also seek to introduce physical evidence such as photographs or documents. The admission or exclusion of such evidence is governed by the Texas Rules of Evidence.

After all testimony is concluded, both sides can make a closing argument. Like the opening statement, each party may make a closing argument but is not required to do so. With a closing argument, you have the opportunity to tell the jury why you think that the evidence presented in the case is not sufficient to find you 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 and other evidence presented during the trial. Facts or evidence outside of that presented during the trial

cannot be introduced during closing arguments.

### **Judgment/Verdict**

If the case is tried by the Judge, the Judge's decision is called a judgment. If a jury tries the case, 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. Opening statements or closing arguments are not evidence.

If you are found guilty by either the Judge or jury, the penalty will be announced at that time. The judge will advise you when payment is due or what options are available to you for payment or satisfaction of a fine.

### **New Trial**

If you are found guilty, you may make an oral or written motion to the court for a new trial. The motion must be made within one day after a judgment of guilty has been entered against you. The Judge may grant a new trial if the Judge is persuaded that justice has not been done in the trial of your case. Only one new trial may be granted.

### **Appeal**

If you are found guilty, you have the right to appeal your case. An appeal from municipal court is to the county court. The appeal is a retrial of the case at the county court. To perfect your appeal, you must file an appeal bond with the municipal court within 10 days of the judgment. The court must set the appeal bond amount for at least twice the amount of the fine and costs. Failure to timely file the

appeal bond may result in a dismissal or rejection of your appeal by the county court where the appeal would be held.

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