

Appearing in Prairie Village Municipal Court

Hours and Location

The Municipal Court is open from 8:00 a.m. to 5:00 p.m. Monday through Friday.

- Arraignments are typically held on the first, second and third Tuesday of the month at 8:00 a.m.
- Trials are conducted on the second, third, and fourth Thursday of the month at 4:00 p.m. Defendants need to check in by 3:30 p.m. for trials.
- Court dates may vary due to holidays.
- If you are not sure of your pending court date, contact the Municipal Court at 913-385-4680 during normal business hours.

The Prairie Village Municipal Court is located in the Prairie Village Municipal Offices at 7700 Mission Road, Prairie Village, KS 66208.

Staff

The Municipal Judges are Michelle DeCicco and Karen Torline.

The City Prosecutor is Ashley Repp.

Your Rights in Court

This information is provided to help you understand the Court proceedings and to inform you of your rights and duties. We want every person to leave this Court feeling that he or she has been treated fairly.

Municipal court is the judicial branch of City Government. Traffic violations and violations of City Ordinances are tried in Municipal Court, and upon conviction carry a maximum fine of \$2,500 or higher in some circumstances, and a possible jail term.

Trials are conducted under the Code of Criminal Procedure, Code for Municipal Courts and the Kansas Rules of Evidence as adopted by the Kansas Legislature.

Appearance in Court

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

1. Appropriate clothing required.
2. The wearing of hats or caps is prohibited.
3. Food and drinks are not allowed in the Courtroom.
4. While Court is in session, talking is not allowed, except with authorized Court personnel.
5. Smoking is prohibited in any City building.
6. All electronic devices shall be silenced.

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 but cannot afford one, the Court may appoint a public defender upon completion of a financial affidavit. Please note: Poverty guidelines are set by the U.S. Department of Health and Human Services (HHS) and requires the entire household income be evaluated; therefore, bring financial income information of all adults living in the home. If a public defender is appointed, a \$90.00 fee will be assessed to the case. You will be required to pay this fee if you are convicted of the charge and/or fail to appear in court after the appointment.

Before Court Begins

You must decide upon and enter a plea to the charge 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 pleas to a complaint:

1. Guilty
2. No Contest
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 your plea.

Plea of No Contest

A plea of NO CONTEST simply means that you do not wish to contest the charge. Upon the plea of no contest, the judge will enter a finding of guilty and order a fine and/or other sentence. Please Note: A plea of no contest is not an admission of fault and 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 your act. Before entering your plea of guilty, you need to understand the following:

1. The City has 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 plea of guilty could be used later in a civil suit for damages as an admission by you that you were at fault or 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 plead not guilty, you may hire an attorney or defend yourself. Only you or a licensed Kansas attorney may represent you. If you are a minor (under 18 years of age) your parent and/or legal guardian must be present.

If you defend yourself, please consult the following sections of this brochure regarding the trial procedure and the manner of presenting your case.

Under our American system of justice, all persons are presumed to be innocent until proven guilty beyond a reasonable doubt. On a plea of NOT GUILTY, a trial is held and the city is required to prove all allegations against you as contained in the formal complaint beyond a reasonable doubt, before a verdict of guilty can be reached.

Pretrial

You will be given the opportunity to meet with the prosecutor regarding any pretrial questions. The prosecutor may extend a plea offer at this meeting. Please note: Any plea offers/amendments given during pretrial will not be extended after the trial begins.

The 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 with the alleged violations.

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 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 mailed. Personal service of subpoenas will be your responsibility.

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 questions 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 at trial, the Judge may announce the penalty at that 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 of fourteen (14) days to appeal the ruling of the Judge.

Fines

The amount of 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. A fine will generally not exceed \$500 for most traffic violations, \$1,750 for Driving Under the Influence of Intoxicating Liquor or Drugs or \$2,500 for City Ordinance violations. Some other City ordinance violations can carry higher fines.

Right To Appeal

If you are not satisfied with the judgment of the Court, you have the right to appeal your case to the Johnson County District Court. If you do appeal the Judge's judgment, you must file a written notice of appeal with the clerk of the Municipal Court, and post an Appeal Appearance Bond in the amount set out by the Judge and pay the non-refundable filing fee assessed by the Johnson County District Court. The appeal must be filed within fourteen (14) days, excluding holidays, from the date of judgment.

No Damage Claims

The Prairie Village Municipal Court has no jurisdiction over damages caused by an auto accident. Settlement of damages is a matter for a Civil Court to decide. To recover damages you will have to file a separate civil suit in another Court. Municipal Courts hear only criminal misdemeanor cases involving violations of City Ordinances, municipal code violations and traffic violations.

FOR FURTHER INFORMATION CONTACT:

Prairie Village Municipal Court

7700 Mission Road

Prairie Village, KS 66208

(913) 385-4680