



COURT PROCEDURE AND YOUR RIGHTS

PRIOR TO COURT

When you enter the court room, you will be checked in by a police officer. After going through the security line, please be seated.

Turn off all cell phones, pagers, beepers, or any other devices you may have which might make noise while court is in session. If a cell phone or pager interrupts court proceedings it will be confiscated.

During court there is no talking except to conduct court business.

Your presence in Municipal Court today is perhaps your first experience in any court. This information has been prepared to help you understand the court proceedings and to inform you of your rights and duties. Every person should leave this court feeling that he or she has had a fair and impartial trial or hearing.

You are appearing in court because you have been charged with an ordinance violation by the City of Rock Hill. This **DOES NOT** mean that you are guilty of any offense.

Your decision on what plea to enter is the most important decision you will have to make. Be sure you understand your rights before entering your plea.

If you would like to seek the services of an attorney, please inform the Judge and you will be given time to do so.

OPENING OF COURT

As the Judge enters the court room, please rise.

There is no eating, drinking, or smoking during court.

Listen carefully for the Judge to call your name. The docket is called alphabetically, but there may be more than one docket scheduled. If you do not hear your name called during the first docket, be patient, as you may be on another docket.

When you hear your name called you should say that you are here and then step up to the bench before the Judge. The charges will be read to you one at a time.

YOUR RIGHTS IN THIS COURT

1. You have the right to be informed as to the nature of the charge against you and the minimum and maximum punishment for the charge.
2. You have the right to be represented by an attorney. An attorney may be appointed for you if you are indigent (unable to afford an attorney) AND there would possibly be a jail sentence upon conviction.
3. You have a right to a trial, including a trial by jury.
4. At trial you have the right to question any witness who may testify against you.
5. You have the right to subpoena persons to testify on your behalf at your trial (a subpoena is an order from the court to a witness that they must appear at the trial).
6. You have the right to testify at your trial but neither the City nor anyone else can force you to testify. There will be no inference attached to your decision not to testify.
7. The rules of evidence will apply in a trial.
8. If you had a trial and were found guilty, you have a right to appeal that decision to another court.

IF YOU PLEAD GUILTY YOU GIVE UP ALL THE RIGHTS LISTED ABOVE.

You **MUST** first enter a plea. You may plead not guilty, guilty, or guilty with an explanation.

NOT GUILTY PLEA

If you enter a plea of not guilty, your case will be set for trial. You must appear on the date and at the time the trial is scheduled, or a warrant will be issued for your arrest. At your trial, you should be prepared to present any evidence you believe will help in your defense. The rules of evidence apply at your trial, which may prevent some

evidence you may want to present from being admitted before the Judge. Both the City and you, the defendant, must comply with these rules during the trial.

GUILTY PLEA

By pleading guilty, you admit that you committed the act charged, that the law prohibits the act, and that you have no defense for your act. This also relieves the City of its burden of proving its case against you.

You are urged not to plead guilty if you do not feel that you are guilty.

PLEA OF GUILTY WITH AN EXPLANATION

This plea has the same effect as a plea of guilty, but says that you would like to explain to the Judge mitigating circumstances with respect to the punishment only.

An example for this type of plea is if you are charged with “Failure to Show Proof of Financial Responsibility” (no insurance). If you failed to show the police officer valid insurance at the time of the stop, but had insurance coverage at the time, you should present the proof of insurance to the Judge. If you actually had insurance covering the date of the stop, the case will be dismissed without a fine or court cost assessed.

In both cases of a plea of guilty or a finding of guilty, a fine will most likely be assessed. The mitigating circumstances explained to the Judge may or may not have an effect on the amount of the fine.

PUNISHMENT

After a plea of guilty or a finding of guilty, the court has the authority to assess court fines up to \$225.00 for any minor traffic charges (traffic charges that carry four points or less and are not involved in an accident, school zone, or construction zone, and do not involve drugs or alcohol; and are not 20 mph or more over the posted speed limit); court fines of up to \$200.00 for the first municipal ordinance offense (building/housing code violations), \$275 for the second offense, \$350.00 for the third offense, and \$450 for the fourth and any subsequent offenses; and \$1000.00 and/or a jail sentence not to exceed 90 days on all other charges. Minor traffic violations and municipal ordinance violations shall not be punishable by imprisonment unless the violation involved alcohol or controlled substances, endangered the health or welfare of others, or involved eluding or giving false information to a law enforcement officer (Section 100.080, City of Rock Hill Municipal Code).

FINES

The amount of the fine assessed by the court is affected by the facts and the circumstances of the case. Mitigating circumstances may lower the fine; however, aggravating circumstances may increase the fine. If you are unable to pay the total amount owed, a payment plan will be established. See above PUNISHMENT section for limits on court fines.

COURT COSTS

Court costs of \$29.50 per case are added to any fine assessed. Court costs are required by state law and the ordinances of the City of Rock Hill. Court costs are **not** an additional fee or penalty for coming to court, and they are included in every applicable fine (Section 135.020, City of Rock Hill Municipal Code). Pursuant to Section 135.020, the court costs are as follows: Municipal Court Costs - \$12.00, Court Automation Fee - \$7.00, Peace Officer Training Fund (local) - \$2.00, Peace Officer Training Fund (State) - \$1.00, Crime Victims Compensation Fund - \$7.50.

NON-CITIZENS OF THE UNITED STATES

If you are not a citizen of the United States, you are hereby advised that your entry of a plea of guilty or guilty with an explanation may have consequences of deportation, exclusion from admission to the United States or denial of naturalization, pursuant to the laws of the United States.

IF YOU HAVE ANY QUESTIONS, PLEASE ASK THE JUDGE WHEN IT IS YOUR TURN AT THE BENCH.