

Maumelle District Court

This information is given to you to help you understand your rights and responsibilities when you have been charged with a traffic citation or criminal offense

Please read it carefully.

TRAFFIC COURT

If you are charged with a routine traffic offense, such as speeding, careless driving, expired tags, or other minor violation, and you want to plead **guilty** to the charge, you may be able to pay the fine and cost without having to appear in court. You should contact the **District Court Clerk** to determine whether it is the type of traffic offense where you can pay without appearing.

The Maumelle District Court has **traffic probation program**, which applies to some traffic charges. Under that program, you must pay a **probation fee**, possibly attend a **defensive driving school**, and not get another **moving** traffic violation for the next **six (6) months**. If you complete the program successfully, the ticket will not go on your driving record. You can call the **Probation Officer** or **District Court Clerk** for details. If you are eligible for this program, and enroll in it prior to your scheduled court date, you will not need to attend court unless you have additional charges which are not covered by the probation program. **You do not have to be a “first offender” to receive probation, but you may only receive probation from Maumelle District Court once.**

If you want to plead **not guilty** to any traffic offense, you **must** come to court at the date and time noted on the traffic citation or summons. If you have a **valid emergency** that prevents you from coming to court at that time, you must contact the **District Court Clerk BEFORE** your scheduled court date to receive permission to be given another court date. If you **do not** receive permission, you must appear. If you fail to come to court when required, an **arrest warrant** will be issued and you may be arrested by the police.

WHAT HAPPENS AT YOUR 1ST TRAFFIC COURT APPEARANCE?

It is important that you come to court on time. When your name is called, you should go to the podium in front of the judge's bench. The Judge will recite the charge or charges against you and will ask you how you want to plead to each of those charges. If you plead “**guilty**” or “**no contest**,” the judge will then impose the sentence. **NOTE: You are not required to have an attorney represent you in traffic court.**

If you plead “**not guilty**,” your case will be set over to another court date for **trial**. Again, you **must** appear at that time. The officer who gave you the citation will appear and give testimony. You may also tell your side of the case at that time. The Judge will then decide the case.

CRIMINAL COURT

If you are charged with a violation of criminal law such as Disorderly Conduct, Domestic Battery, or DWI, you must come to court. At that point you are a defendant. As a defendant you have certain rights designed to protect you. Some of those rights are:

You have the right to remain silent. Anything you say to anyone except your attorney can be used by the prosecuting attorney against you if you have a trial. If you have a trial, you do not have to testify. The Judge cannot consider your failure to testify as proof of your guilt. If you do testify, then you must answer all questions from either the prosecutor or the Judge

You have a right to counsel. You can hire your own attorney to represent you at all stages of your case. If you are poor and cannot afford an attorney, a Public Defender may be appointed by the judge to represent you, if you qualify. You also have the right to represent yourself but you must read and sign a written attorney waiver form to do so.

You have a right to a trial. The Judge (not a jury) hears your case. The State must present proof first (witnesses), and must prove that you are guilty beyond a reasonable doubt. After the State has put on its proof, you may then present any evidence you want the Judge to hear about your case. The Judge will then decide your innocence or guilt.

You have the right to appeal. If you are convicted you have the right to appeal your case but ONLY if you file a written notice of appeal AND see that the proper paperwork gets to the Circuit Court Clerk within thirty (30) days of the date of your conviction. You may be required to post a **supercedas bond** to prevent the District Court from carrying out its judgment while you are in the appeal process. If you appeal, you will have a new trial in Circuit Court just as if the District Court trial never happened. You will have a right to a jury trial in Circuit Court if you want it.

PAYMENT OF FINES AND COURT COSTS

If a person pleads guilty or is found guilty, and the Judge imposes a fine and assesses the court cost, the fine money goes to the City. The court costs are assessments ordered by the State Legislature to be collected by the District Courts for the purpose of funding various State programs. The money from court cost is sent by the City to the State to be put into those programs.

Generally, once the fine and costs are imposed by the Judge, they are due and payable **immediately**. Those with financial hardships may request that the judge give them a reasonable period of time, usually ninety (**90**) days, in which to pay the entire amount. A minimum amount of **\$100.00 per month** is standard, but will increase if the fine and cost amount is substantial.

It is strongly suggested that defendants should pay the entire amount of their fines and costs as soon as possible. The failure to pay them as ordered can result in the defendant being arrested for failing to pay. It is likely that the defendant may receive a term in jail if the entire balance is not paid upon arrest.

WHEN DEFENDANTS FAIL TO COME TO COURT OR FAIL TO PAY THEIR FINES AND COSTS, THE COURT SUSPENDS THEIR DRIVER'S LICENSE UNTIL THEY COMPLY WITH THE COURT'S ORDERS.

A WORD ABOUT OUR COURT

The Maumelle District court was created in 1986. It is located in the same building as the Maumelle Police Department. It meets every Tuesday afternoon at 1:30 p.m. and the third Thursday of the month at 5:00 p.m. The court has four divisions: traffic, criminal, civil and small claims. The court only has jurisdiction within Maumelle City limits.

In order to process our cases in a speedy and efficient manner, our court follows a certain procedure at the Plea and Arraignment stage. We first process the case of those who are in jail at the time of the Plea and Arraignment. That is done because some of the prisoners pose a potential escape risk. Most of these prisoners are transported from the Pulaski County Jail before court. They must then be transported back after their court appearance. Taking their cases first allows the jail personnel to get back to their duties in the shortest amount of time. Next, we call the cases with private attorneys. Some Plea and Arraignment cases take longer than others depending on the nature of the charge and other particular aspects of the case.

For those who have asked for a trial at a previous Plea and Arraignment, we begin those trials at 5:00 p.m. Sometimes the person changes his or her mind and decides not to have a trial, we take their cases before we hear the other trials. This procedure reduces the congestion in the courtroom more quickly than proceeding in alphabetical order.

While we make every attempt to reduce the amount of time that you have to remain in the courtroom, it is inevitable that you will have to spend some time waiting for your case to be called. We have published this brochure to explain how we do things and ask for your patience and understanding.

The judge of the Maumelle District Court is elected by the people. The court belongs to the public and you have the right to ask questions or submit suggestions concerning the administration of our court. If you have any ideas along that line, we would like to hear from you. While the District Court Clerks, the Probation Officer, and I will be happy to discuss administrative suggestions with you, it is a violation of the Judicial Ethics Code for Me to discuss the facts of specific cases with you if those cases are pending before the court.

I hope this information will be helpful to you in understanding your court.