

YOUR DAY IN COURT

An information guide provided for you by Kalispell Municipal Court

So you got a ticket . . .

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Now what? The police officer has issued you a ticket; which is formally called a Notice to Appear and Complaint. This complaint outlines the charge(s) alleged against you. On the left side of the ticket, the officer assigned a date for your appearance in Kalispell Municipal Court. You are expected to appear on or before this date. Failure to appear may result in the suspension of your Driver's License and/or a warrant for your arrest. If the assigned date is inconvenient, you may call 758-7705 to reschedule. Due to the high volume of cases filed in Municipal Court, you may only reschedule your court date once.

What is a Misdemeanor?

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All criminal cases filed in Kalispell Municipal Court are misdemeanors. A misdemeanor is an offense punishable by or no more than 1 year in jail and no more than a \$1,000 fine. Most of the charges filed in this court carry a maximum penalty of 6 months in jail and a \$500 fine. The Judge will inform you of the minimum and maximum penalties for you specific charge(s) when you appear in court. Convictions for traffic violations are reported to the Montana Department of Justice Motor Vehicle Division.

Can I just pay the fine?

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It may be possible for you to pay the fine without appearing before the Judge. For information on paying a fine or making payments on a fine without appearing before the Judge, call 758-7705 or visit our website at <https://www.kalispell.com/217/Municipal-Court>

Certain offenses can be paid by mail. However, because of penalties required, you may not mail in payment if you have a “**must appear**” charge. Please call the court to inquire if your charge is a must appear.

To mail payment, send a check or money order to:

Kalispell Municipal Court
P.O. Box 1997
312 1st Ave East
Kalispell, MT 59901
(406) 758-7705
(406) 758-7773 FAX

Please write your ticket number on your payment or enclose a copy of the ticket.

Going to Court

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Kalispell Municipal Court is located downtown at 312 1st Ave East, Kalispell Public Safety Building. The courtroom is located on the 1st floor of the Public Safety building (with the Police Department).

The Court sees cases on the first-come, first-serve basis. Please arrive at least 15 minutes early to allow time to go through check in.

Do not bring weapons of any kind to court. As you enter the courtroom, please turn off any cell phones or pagers you have. Please remove your hat as you enter.

Courtroom Procedures

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When in the courtroom, please sit quietly and wait your turn to be called. The Court will often call over one hundred cases on the morning docket. We ask that you please be patient. As a courtesy, the court tries to arraign Juveniles first in an effort to get them back to school. If you have special needs, please notify the court so we can accommodate you.

When the Judge calls your name, go to the front of the courtroom and stand before the Judge. Only you, the defendant, and/or counsel may approach the bench. If you are under 18 years old, you must bring a parent or guardian with you.

What is an Arraignment?

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Your first appearance in court is commonly called an arraignment. This is the time when you are informed of the charges against you. This time is also when you are given the opportunity to enter a plea of guilty or not guilty. This is not the time for you to bring evidence or witnesses to testify.

If you plead not guilty, the Court will set a date to return for a pre-trial omnibus hearing. The Court could also set bond. Bond guarantees your appearance at future court proceedings. If you are found not guilty, your bond will be returned. If you are found guilty, the cash bond may be used toward any fines or restitution you receive as part of your sentence. Cash or surety bonds will be accepted.

Entering a Plea

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You have the right to consult an attorney before entering a plea. The Court may appoint an attorney for you if you cannot afford one and if you would receive jail if convicted. The Judge will ask you how you would like to plead. You have the following options:

- **Not Guilty** – You are denying every material allegation of the charge. Do not explain any of the circumstance to the Judge at this time. If you enter a not guilty plea, you may have the opportunity to immediately talk with the City Attorney about your case and work out a pre-trial disposition agreement. If the case is not resolved, you will receive a date to return to court for a pre-trial omnibus hearing.
- **Guilty** – You are admitting guilt and may explain the circumstances. You will need to say what it is that makes you guilty. The Judge will usually sentence you immediately unless you need additional time.
- **No Contest** – (*nolo contendere*) – You are not admitting guilt or fault but you feel, after considering the evidence, that you could be found guilty if you went to trial and you feel

it is in your best interest to enter this plea. The Court must find evidence sufficient to establish a given fact (*prima facie*) to support the plea.

Understanding your Sentence

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Detention – The Judge has sentence you to serve time in jail. The court, as its discretion, may allow detention to be served on house arrest, which allows you to continue employment. This alternative requires an extra fee. There is no fee for serving time in the county jail where the offense occurred.

Suspended sentence – The Judge has sentenced you to incarceration but suspended it on certain conditions. If these conditions are met, no detention would be served. This charge will go on your criminal record. If these conditions are not met, the City may petition the Court to revoke the suspended sentence and ask that you serve out either a portion or the entire jail sentence. You would first be entitled to a hearing.

Deferred sentence – The Judge has given you a period of time to complete certain conditions prior to imposition of sentence. If the conditions are met, the sentence will not be imposed. The charge will be dismissed and will not be reported to the Department of Justice. If the conditions are not met, the City may petition the Court to revoke the deferral and the full sentencing could take place.

Fine payments – The Judge may give you the opportunity to make monthly payments toward your fine. You will set up a payment plan at the clerk's office immediately after you see the Judge. The Court accepts payment of fines by cash, check, money order, or cashier's check. Online payments can be made with Visa or Master card. If you ever have trouble making these payments, contact the Court for an extension. You may also work off a fine with community service. Failure to make payments may result in the suspension of your Driver's license and a warrant for your arrest.