

An Introduction

To

**CITY OF KNOXVILLE
MUNICIPAL COURT**



800 East Church Avenue
Knoxville, TN 37915
865-215-7500

Having to come to court can be a traumatic or confusing experience. We hope this information will be of help in guiding you through the process and take some of the mystery out of the procedures. We have tried to anticipate and answer your more frequently asked questions.

WHAT SHOULD I WEAR AND HOW SHOULD I ACT IN COURT?

Suitable attire is required. Shoes and shirts are appropriate. Halter tops, tank tops, and shorts are not appropriate. Gentlemen with hats should remove them upon entering the courtroom. Children are permitted in the courtroom but must be supervised at all times--the court does not provide childcare. Upon your arrival, enter the courtroom quietly and then have a seat until the session convenes. **You do not need to check-in first with the clerk unless your court date is not this day.** When your name is called, come forward and stand in front of the judge or where otherwise directed by court personnel. Be polite and courteous at all times. Remember court is in session and your conversation should be restricted to the business of the day--your case.

WHAT TO EXPECT ON MY COURT DATE?

Your first appearance in court is generally to be formally advised by the judge what you are charged with and, if necessary, an explanation of the ordinance you have been accused of violating. You must enter a plea to each charge before you present facts of your case, unless you have an agreement otherwise with the prosecution. The judge will answer questions regarding law and procedural matters prior to your hearing. If you can't decide how to plead, a "not guilty" plea will be entered for you by the judge and a trial will be scheduled the same day if possible.

WHAT ARE MY RIGHTS?

If you are in City Court for any city ordinance violation, the following are some of your rights:

- If you have any special health conditions, please notify the clerk and your case will be heard with priority.
- All cases are called in groups by the prosecuting officer, not necessarily by alphabetical order.
- Upon sufficient proof of repair submitted to the court on equipment cases (e.g., improper headlights, taillights, and bumpers), these cases are heard first.
- You have the right to hire your own lawyer. This court does not appoint legal counsel.
- You have the right to one postponement.
- You have the right to testify and ask questions.
- You have the right to subpoena witnesses before your hearing.
- You have the right to file an appeal. Please see the clerk for the details on how to file appeals from this court. All appeals are to Knox County Circuit Court.

SHOULD I TALK TO A LAWYER BEFORE ENTERING A PLEA?

Hiring a lawyer is strictly your decision. In this court, there is no threat of jail except in cases of disorderly conduct in the courtroom and failure to appear on your court date. If you wish to have a lawyer present, it is your responsibility to hire and pay for legal representation.

IF I PLEAD 'GUILTY,' WHAT WILL HAPPEN?

Many people think that the only chance they will get to *explain* what happened is by pleading "not guilty." That is NOT true. Even though you plead guilty, you will be given a chance to explain *any mitigating circumstances* about your case.

IF I PLEAD 'NOT GUILTY,' WHAT WILL HAPPEN?

Pleading "not guilty" will result in a trial where both parties, the officer and you, must present your sides of the story. Please be prepared to provide any proof (maps, drawings, affidavits, witnesses, etc.) you feel necessary for your case.

WHAT HAPPENS AT THE TRIAL?

When you arrive at the court, go to the courtroom and wait for your name to be called. The judge will swear all parties, including witnesses. Next, the judge will ask the plaintiff (in traffic cases this is almost always a police officer) to give his or her side first, then will ask the defendant for his or her explanation. Please stick to the facts. The judge may ask you questions. Be polite, don't interrupt testimony of the officer, witness, or the judge. If there is any doubt in your ability to represent yourself, then hire a lawyer. Good manners and even tempers help the fair, efficient conduct of the trial, and make a good impression.

After both sides testify, the judge will normally announce the decision and will sign a judgment. If you are unsatisfied with the outcome, you may file an appeal with the clerk's office. Arguing with the judge or clerk about the outcome of your case is not appropriate.

CAN I APPEAL?

If you decide to appeal, you only have 10 days (Sundays and holidays not included) from the date of the judgment. There is a \$124.50 appeal fee required. Also, you must also post a \$500 cash bond or have your attorney or bonding company sign as surety. The case will then be sent to Circuit Court at the City/County building and the clerk there will set a date for your case *de novo*. There are many legal questions associated with appeal and hiring a lawyer is suggested. In certain circumstances, costs of appeal can be waived if you qualify.

WHAT MUST I DO IF I CAN'T PAY ALL OF MY FINES OR COURT COSTS TODAY?

The payment of fines and court costs is very important. The key to payment is your effort. If you cannot pay all of your fines and costs today, you may be given additional time. If you fail to honor your agreement with the City Court Clerk's office, payment in full becomes due immediately. Failure to pay fines and costs may result in your driver's license being suspended. Failure to appear on your court date to pay may result in a warrant issued for your arrest and additional fees owed.

WHAT IS THE DIFFERENCE BETWEEN FINES AND COURT COSTS?

Fines are the penalty phase of sentencing. Court costs are a combination of fees set by City Council. The best way to remember this difference is if you are fined, you will also pay court costs and the ticket will most likely go on your record. If the judge orders you to only pay court costs, then the ticket will not be reported to the department of safety of your licensing state.

RELATIVE INTERNET LINKS

Visit us on the Web at:
www.ci.knoxville.tn.us
and follow the link to "Municipal Court"

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Research Knoxville City Code and City Charter
www.municode.com
and follow the links to municipal codes listed by state to Knoxville

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**Tennessee Code Annotated
(State Laws Only):**
www.lexislawpublishing.com/resources/
and follow the links to Tennessee Code

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Tennessee Driver Handbook
www.state.tn.us/drive.html

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Tennessee Administrative Office of the Courts
www.tsc.state.tn.us
for appellate court opinions & rules

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