

## **Trial Process**

### **Presenting the Case**

As in all criminal trials, the State will present its case first by calling witnesses to testify against you. After prosecution witnesses have finished testifying, you have the right to cross-examine. In other words, you may ask the witnesses questions about their testimony or any other facts relevant to the case. You cannot, however, argue with the witness. Your cross-examination of the witness must be in the form of questions only. You may not tell your version of the incident 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. The State has the right to cross-examine any witness that you call.

If you so desire, you may testify on your behalf, but as a defendant, you cannot be compelled to testify. It is your choice, and your silence cannot be used against you. If you do testify, the State has the right to cross-examine you.

After all testimony is concluded, both sides can make a closing argument. This is your opportunity to tell the Court why you think that you are not guilty of the offense charged. The State has the right to present the first and last arguments. The closing arguments may be based only on the testimony presented during the trial.

### **Continuances**

- Requests for continuances must be submitted in writing, no later than 24 hours prior to trial. A telephone call will not constitute a request.
- The request must include the reasons the continuance is necessary for justice in your case.
- If your request is denied you are expected to appear.
- If your request is granted you would receive a new trial date. You may request a continuance either in person at the court clerk's window or by fax at (817) 478-4309.

### **Judgment and Verdict**

When the judge tries the case, the judge's decision is called a *judgment*.

When the jury tries the case, the jury's decision is called a *verdict*.

The judge or jury may consider only the testimony of witnesses and any evidence admitted during the trial proceedings.

If you are found guilty by either the judge or jury, the penalty will be announced at that time. In addition to the penalty, you will be responsible for court costs, state costs, and a jury fee. You should be prepared to pay the fines and costs at this time.

**Fine Information**

The amount of the fine the court assesses is determined only the facts and circumstances of the case.

Mitigating circumstances may lower the fine, even if you are guilty.

Aggravating circumstances may increase the fine.

**Maximum Fines**

For most municipal court traffic violations the maximum is \$200.

For most municipal court penal violations the maximum is \$500.

For certain city ordinance violations the maximum is \$2,000.

For other city ordinance violations the maximum is \$500.

**New Trial**

The City of Forest Hill Municipal Court is a Court of Record. Therefore, a request for a *Trial de Novo* or New Trial will not be granted. If you are found guilty of an offense you must follow the instructions located on this website.