



## **DIBOLL MUNICIPAL COURT**

**400 Kenley  
P.O. Box 340  
Diboll, TX 75941**

### **What to do Upon Receiving a Citation**

When you signed a citation in front of an officer, you did not plead guilty but only signed a promise to appear in court on or before your appearance date indicated on your citation. If you do not appear by the date indicated on your citation, you could receive an additional Violate Promise to Appear charge. You must decide upon and enter a plea to the charge against you **on or before the appearance date on your citation.**

### **Entering a Plea**

When you receive a citation, the first thing you will need to do is enter a plea. You may do this by filling out the back of your citation and returning it to the court, or you call the Clerk of Court, who will help you through the process. But you must appear in person or in writing by the appearance date on your citation.

There are three possible pleas to a citation or complaint: Guilty, Nolo Contendere (no contest), and Not Guilty.

Your decision on what plea to enter is the most important decision you will have to make. Whether you believe that you are guilty or not, it is suggested that you read the following explanations of all three types of pleas before making your decision.

- Plea of Not Guilty

A plea of not guilty means denying guilt for the offense charged. A plea of not guilty requires that a trial be held. The state must prove the defendant's guilt "beyond a reasonable doubt" on the offense charged.

You may elect to have a jury trial, or if you waive a trial by jury, you may have a trial before a judge. If you enter a plea of Not Guilty, you will be scheduled for a pretrial conference with the prosecutor and may have the option of disposing of the case without appearing in open court. If you decide to proceed to trial, you have a right to a trial by jury, or you may waive that right in writing and elect to go to trial before the judge. A trial by jury normally takes 2-6 months to

schedule and conduct, while a trial before the judge normally takes 1-2 months to schedule and conduct.

If you plead Not Guilty, you must decide whether to hire an attorney to represent you at your trial. If you represent yourself, these suggestions will help you to understand your rights and trial procedures.

### *Representing Yourself in Municipal Court*

It is your constitutional right to represent yourself in Municipal Court. If you do so, however, you should understand that you will be held to the same standards as a licensed attorney.

If you represent yourself (called being a “*pro se*” party), remember that neither the court staff nor the municipal judge may instruct or educate you on court procedures, evidence, or how to present and prove your case.

*Pro se* defendants should become familiar with pretrial and trial procedures, Texas Rules of Evidence, the Texas Code of Criminal Procedure, and the state law or city ordinance they are charged with violating.

If you intend to represent yourself, you may find the following site helpful, which has been developed by the Texas Judicial Branch: <https://www.txcourts.gov/programs-services/self-help/self-represented-litigants/>

- Plea of Guilty

A guilty plea means admitting to the offense you have been charged with and that you have no defense or legal excuse for the act.

- Plea of *Nolo Contendere* (No Contest)

A plea of *nolo contendere* means that you do not admit guilt for the offense charged but that you do not contest (challenge) the state’s charge against you. You will almost certainly be found guilty. If you plead guilty or *nolo contendere*, you should be prepared to pay the fine.

If you plead guilty or no contest, the court staff will instruct you on your options for discharging your fine.

### **Appearing in Court**

1. Be on time. To be safe, arrive early. You may have to wait for your case to start if other cases before yours take longer. Bring all the papers and witnesses you will use for your case. Bring a notepad and pen so you can take notes during your hearing.
2. **Do not bring any weapons with you when you come to municipal court.**

3. Dress respectfully. Do not wear shorts, t-shirts, tank tops, worn-out jeans, or similar items. You do not need to wear a dress, jacket, or tie, but your clothes should be neat and clean. Dress like you are attending an important job interview or a special occasion. Do not wear a hat in the courtroom.
4. How you act in the courtroom should show that you respect the process and court. Do not chew gum or eat or drink anything. Do not talk to others during court or read the newspaper. Turn off cell phones and pagers.
5. Bring with you only the people who are needed for your case as witnesses and perhaps a person to support you, if necessary. Do not bring children unless you are asked to do so by the judge or a lawyer or unless the child is going to be a witness or give information to the judge at the hearing.
6. When your case is called, follow the directions of the court staff, who will tell you where to sit or stand. Take your paperwork with you. Always refer to the judge as “Your Honor” or “Judge” and stand when talking to the judge.
7. Listen carefully and wait your turn to speak. Do not interrupt the judge or witnesses. You will have a chance to tell your side of the story. When it is your turn, speak slowly and try to stay calm to tell your story clearly. Address all comments to the judge unless you are questioning a witness.
8. Be ready to give a short summary of your side of the case. Briefly tell the judge exactly what you want and why you should get it. When asking your witnesses questions, ask their name, address, and where they work. Then ask the questions that will bring out their information about your case.
9. If you have an objection to testimony or papers the other side is presenting to the judge, make your objection according to court rules and state the reason for your objection under the appropriate rule of evidence. You have the right to ask questions of the witnesses on the other side – called “cross-examination.” Make a list of your questions for these witnesses ahead of time. Show respect for all witnesses, even if they testified against you, and try to stay calm.
10. When you and the state have presented all the evidence, be ready to give the judge a short final statement about your case. Briefly tell the judge what you want him or her to do. The judge may or may not decide the case at that time.