

Trials

If you wish to plead Not Guilty you must then choose to have a trial before a jury, or you may waive your right to a trial by jury and choose to have a trial before a judge. The Whitesboro Municipal Court holds a Pre-Trial hearing prior to any trials, with defendant and the Prosecutor to discuss the available options and to discuss the exact merits of the case that will be disputed in trial. If you have any witnesses that need to be subpoenaed, you will need to bring the names and current addresses to your Pre-Trial Hearing or to the Court as soon as possible.

You may represent yourself in the trial, or you may hire an attorney. If you choose to represent yourself, you will be held to the same standards as a licensed attorney.

A Trial in municipal court is a fair, impartial and public trial as in any other court. Under Texas law, you can be brought to trial only after a sworn complaint is filed against you. A complaint is a document, which alleges the act, or conduct you are supposed to have committed. You can only be tried for what is alleged in the complaint. As in all criminal trials, the State is required to prove the guilt of the Defendant “beyond a reasonable doubt” of the offense charged in the complaint before a Defendant can be found guilty by a judge or jury.

Trials are conducted under the Code of Criminal Procedure as adopted by the Texas Legislature. These laws may be found in Chapter 45 of the Texas Code of Criminal Procedure.

You have the following rights in court:

- The right to inspect the complaint before trial and to have it read to you at the trial;
- The right to have your case tried before a judge, or a jury, if you so desire;
- The right to hear all testimony introduced against you;
- The right to cross-examine any witness who testifies against you;
- The right to testify on your own behalf;
- The right not to testify, if you so desire. If you choose not to testify, your refusal to do so cannot be held against you in determining your innocence or guilt; and
- The right to call witnesses to testify on your behalf at the trial, and have the court issue subpoenas (a court order) to any witness to ensure their appearance at the trial.