

Pro Se Packet

GILLETTE MUNICIPAL COURT

This is a reference only. Court staff cannot explain this packet or give you legal advice. If you have questions regarding your case consult an attorney.

Gillette Municipal Court

Phone: 307-686-5254

Fax: 307-682-9238

Email: municipalcourt@gillettewy.gov

Address:

201 East 5th Street

Gillette, Wyoming 82716

Website:

www.gillettewy.gov/city-

[government/departments/administration/municipal-court](http://www.gillettewy.gov/city-government/departments/administration/municipal-court)

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Prior to Arraignment

When is My Court Hearing?

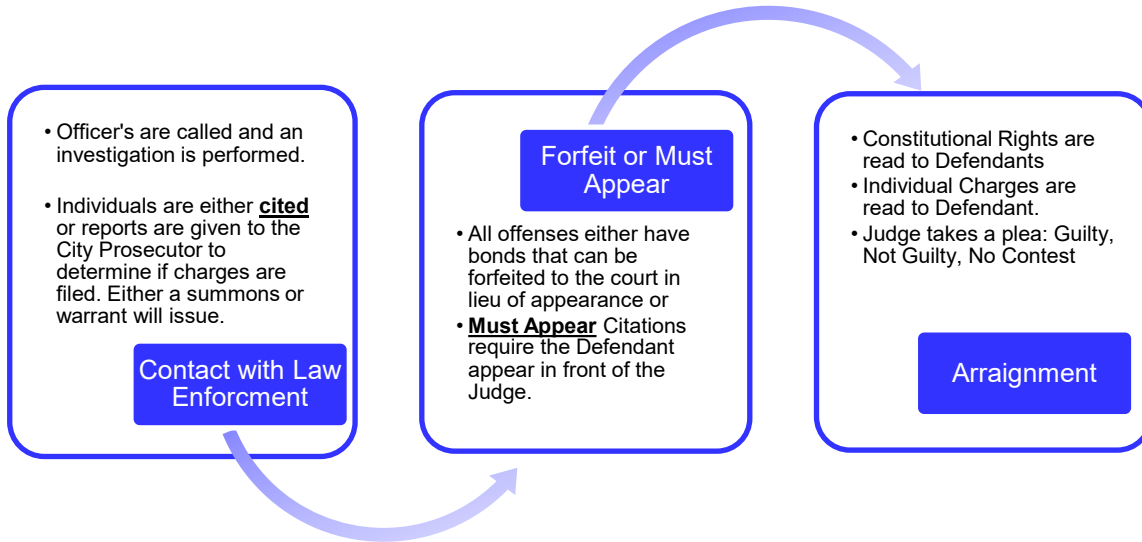
- Citation: At the bottom of the citation
- Summons: Court date is on the document itself
- Warrant: You will be seen by a Judge the following Tuesday or Thursday (depending on the availability of the Judge) after being booked into the jail or if bonded out, you will be scheduled to appear the next available Tuesday by signing a Promise to Appear.

What if I just want to pay my Citation?

- If the citation is marked “ may forfeit bond in lieu of appearance” you can pay your citation as follows:
 - In person or by mail: Municipal Court - P.O. Box 3003, Gillette, WY 82717
 - Online: <https://www.municipalonlinepayments.com/gillettewy>
 - Phone: 307-686-5254

What if I need to make a payment arrangement?

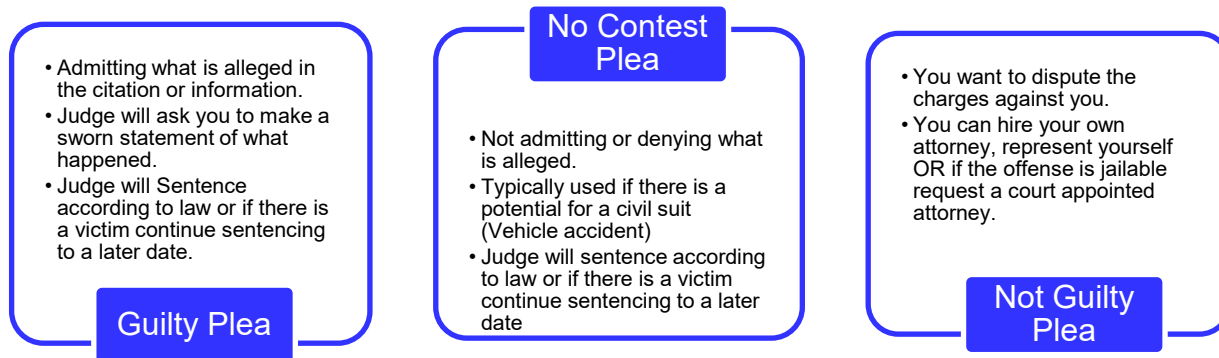
- Either:
 - Come to Municipal Court’s window at the City Hall Building (201 East 5th Street, Gillette, Wyoming 82716)
 - Attend your arraignment.



Arraignment

What is going to happen?

- You will be read your Constitutional Rights
- If you have any questions about your rights or the charges against you, ask the Judge.
- Enter a plea. (See chart below)
- If you need a payment arrangement, make sure to ask the Judge.



Can I have a Court Appointed Attorney?

- Only if the offense is subject to jail time.

Do I have to pay for my Court Appointed Attorney?

Yes, the court will assess payment for the Court Appointed Attorney at sentencing unless an inability to pay can be proven.

What do I do if I can't get a Court Appointed Attorney?

- Hire your own attorney. The Wyoming State Bar provides a list of all attorneys in your area, call them at 855-445-8058 (Attorney Referral)
- Search for Wyoming criminal law attorney's online
- Low Income Options
 - Equal Justice of Wyoming <http://equaljustice.wy.gov/>
 - Legal Aid of Wyoming <http://www.lawyoming.org>
 - Wyoming Free Legal Answers <https://wyoming.freelegalanswers.org/>
 - University of Wyoming College of Law Legal Clinics Defender Aid Program 307-766-3223

- Wyoming State Bar Modest Means Program
 - P.O. Box 109
Cheyenne, WY 82003
Fax: (307) 632-3737
brobinson@wyomingbar.org

What do I do if I am eligible for a Court Appointed Attorney?

Fill out an Affidavit and Order for Court Appointed Counsel (provided to you during your initial arraignment). **YOU MUST FILL IT OUT COMPLETELY, GET IT NOTARIZED, AND FILE IT WITH THE COURT BY THE DATE SPECIFIED.** You may be asked to provide the following documents in support of this Affidavit:

- Pay Stubs
- Rent Receipts
- Utility Bills
- All other Bills
- Child Support Ordered or Received
- State or Federal Assistance Received

An incomplete affidavit will result in your request being DENIED

What do I do after my application is approved?

- Wait for your attorney to contact you.
- Ensure that the Court has a current mailing address and telephone number.

Prior to Trial

Can I have a Jury Trial?

- Only charges subject to a jail term qualify for Jury Trials. Your right to a jury trial may be waived for a bench trial.

What is a Bench Trial?

- The Judge hears all the evidence and makes a decision.

What do I need to do to represent myself?

- Just because you can represent yourself does not mean you should. It is very important that you learn about what is at stake in your case, and what you will be expected to do and know in order to handle it on your own.
- You may need a lawyer if...
 - You have a complicated case or a case that may become complicated (but keep in mind you may not always realize a case is or could be complicated without talking to a lawyer).
 - You want legal advice.
 - You want to discuss strategies for your case. (For example - whether to file a motion, whether to ask for a jury, and many other decisions that will come up during the case)
 - You want a confidential attorney-client relationship.
 - You are worried that the other side will not “play fair” (a lawyer is more likely to notice this and know what to do).
 - You are going to have a jury trial, and there are complicated decisions to make, from choosing a jury to knowing how to present a case to a jury most effectively.
 - You are too close emotionally to the case and have a hard time seeing things objectively.
- You may not need a lawyer if...
 - Your case is straightforward.
 - You understand all your options and can make informed choices about your case.
 - You are willing to learn and understand the law and the rules and procedures that apply to your case.
 - You can spend time to prepare your case.
 - You can follow written instructions and work on your own.

Tips for Representing Yourself

Here are some basic steps you can take to make sure you are prepared to represent yourself in court:

- Read about the law that applies to your case. Do research at the local public library.
- Make sure you follow the court procedures. To do this, you must read the laws that affect your case in the Wyoming Rules of Criminal Procedure and the Wyoming Rules of Evidence.

Not being a lawyer and not knowing the law is not an excuse for not following court procedures.

- Keep track of all deadlines — especially deadlines for filing papers and providing copies to the City Attorney’s Office. If you miss these deadlines, you may lose your case.
- Go to the courtroom where your hearing will be and watch some cases. You can learn:
 - Where the parties sit;
 - How to explain your case to the judge; and
 - How much time each side has to talk.
- Be prepared for your court hearing. Have copies of:
 - All the papers you filed;
 - All the papers the other side served you with; and
 - Anything you have not served on the other side but want to use in court. If you have exhibits (like photos or letters you want to show the court), you must mark each one with a label (Exhibit 1, etc.) and make sure they are organized.
- Act professionally in court. Explain your side briefly and clearly. Do not talk about issues that do not support your case.
- Be realistic about what the judge can and cannot do. Make sure you understand what legal relief you can get in your case and focus on that.
- Show respect for the judge, the court clerks, and other people in the courtroom. Do not interrupt the judge or the other side. **Do not make personal attacks against the other side.**

Risks of representing yourself

- The biggest risk is that you lose your case because (1) you are unable to follow all the required procedures to bring your case to trial so your case is dismissed, or (2) once you get to trial, you cannot meet all the technical requirements to prove your case.
- You are held to the same standards as an attorney and will be responsible for understanding the Wyoming Rules of Criminal Procedure and the Wyoming Rules of Evidence.

How do I get my witnesses to Court?

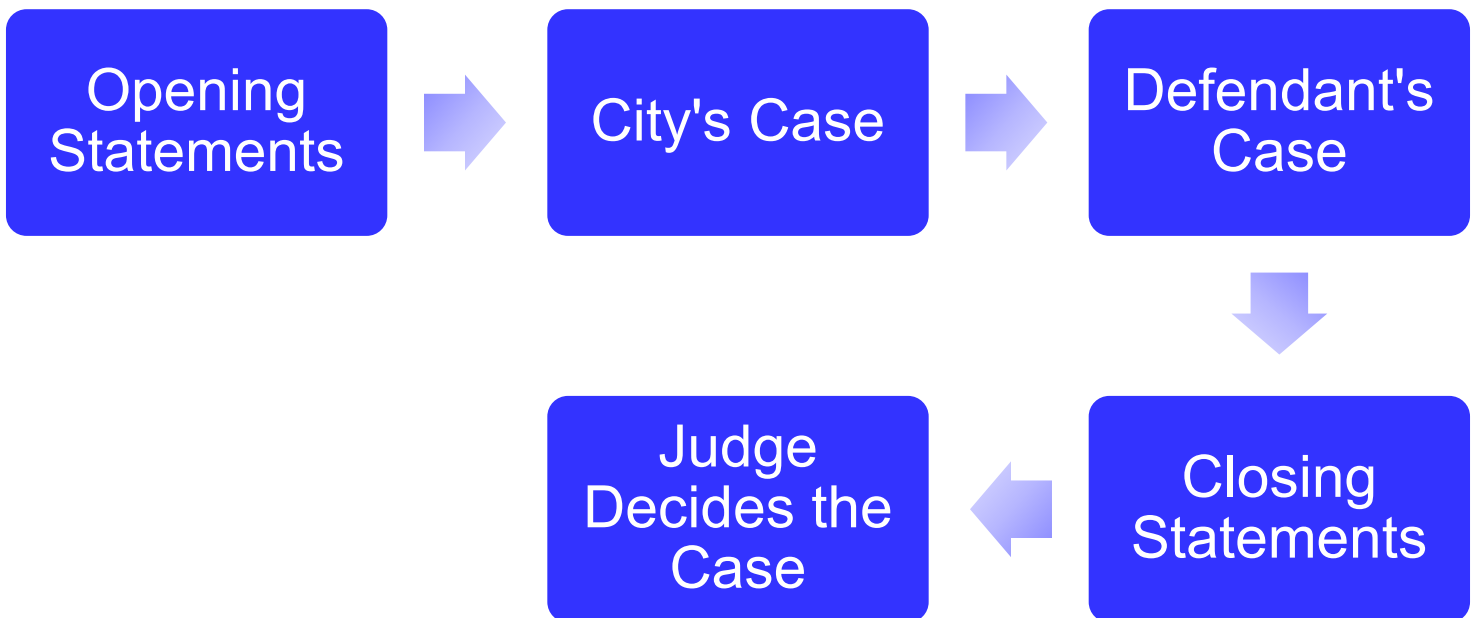
- Come to the Court window to file a Request for Subpoenas (name, address, phone # (if applicable), & date of birth (if applicable)).
- If you do not subpoena your witnesses, you will be required to proceed without them if they decide not to show up.

Where do I find information about the law?

- Municipal Ordinances: <https://www.gillettewy.gov/city-government/about/current-city-code>
- Wyoming State Statutes: (Motor Vehicles, Title 31) <https://wyoleg.gov/NXT/gateway.dll?f=templates&fn=default.htm>
- Wyoming Rules of Criminal Procedure: <https://www.courts.state.wy.us/wp-content/uploads/2017/12/WYOMING-RULES-OF-CRIMINAL-PROCEDURE.pdf>
- Wyoming Rules of Evidence: <https://www.courts.state.wy.us/wp-content/uploads/2017/05/WYOMING-RULES-OF-EVIDENCE.pdf>

Trial

What is the Process at the Trial?



Opening Statement:

Please note that an opening statement is not testimony or evidence that can be considered in the judge's verdict. It just gives you an opportunity to generally state what you think your side of the case will show. Often, both parties waive opening statements.

City's Case

Because the Prosecutor has the burden of proof, they will present their evidence first. This will be in testimony and/or documents or other evidence which support the charges against you.

The prosecutor will be required to show you any evidence or documents. The judge will ask you if you have any objections. These must be based on the Wyoming Rules of Evidence and have a legal basis.

You will have the opportunity to cross examine any of the City's witnesses, which means you get to ask them yes or no questions within the scope of what they just testified to.

Do not argue with the witnesses, you will have the ability to explain your side during your presentation.

Defendants Case

You can present any evidence, witnesses or testify if you wish to do so. If you do testify you will be waiving your right to remain silent and anything you say can and will be used against you during the trial. You will also be subject to the cross examination by the prosecutor.

If you have evidence, show it to the prosecutor so that they can see what you are going to try to present. The Judge will ask the prosecutor if there are any objections.

Closing Statement

After all the testimony, the judge will ask if the Prosecutor wants to make a Closing Argument where they can summarize all the evidence. The Prosecutor will give their reasons for the judge to find you guilty. After the Prosecutor has made their Closing Argument, then you can make your Closing Argument which sums up your reasons, based on the evidence, for the judge to find you not guilty.

Judge Decides the Case

The judge will render a Verdict which means they will decide whether you are guilty or not guilty. The judge may sentence you on the trial date or they may hold over sentencing for another date. At this point, your trial is over.

Other General Information

Can court staff help me?

CAN

- Refer you to resources and other sources of information
- Direct you to forms, examples, and other court related information.
- Answer basic procedural questions

CANNOT

- Give Legal Advice
- Draft or prepare any documents
- Review documents or forms for accuracy
- Help you in court.

Can someone other than an attorney come and help me at my trial?

No. That is the unauthorized practice of law and is not allowed in the State of Wyoming.

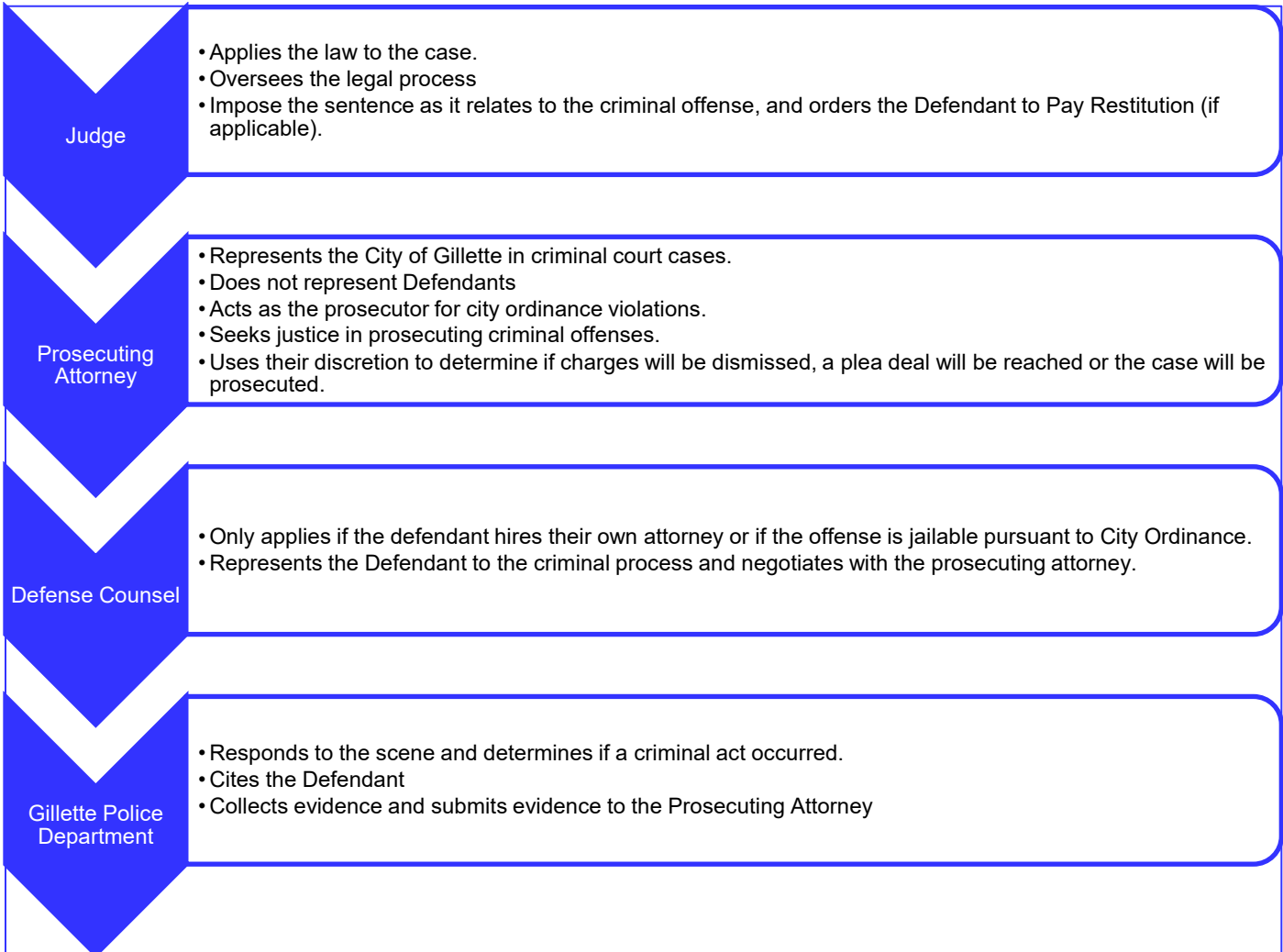
If I got a traffic ticket what will that do to my driving record or my license?

Please call the Wyoming Department of Transportation at 307-777-4800.

What is the process if someone posted bond for me?

- The bond posted is held by the Court to ensure that the Defendant appears for their scheduled hearings. If you post bond for someone **YOU** are responsible in making sure that they appear for Court.
- After **sentencing** the bond will be eligible for release back to the poster, it will be processed through the Court finance department and returned within 30-45 days.
- If the bond poster agrees, the bond can be used to pay off fines and costs by either marking the appropriate boxes on the bond form or by coming to the Court window.
- It is the responsibility of the bond poster to make sure that an accurate mailing address and telephone number is on file with the Court for the return of the bond money.

What are the functions of the individuals in the Court process?



Reading Citations

Court

STATE OF WYOMING Member NRMC FORM P-6 (8/11)

CITATION/COMPLAINT Court/Judge Municipal Court DKT # 157011061AA 15-003316

Citation Number

State of Wyoming, City of Casper
VS
Defendant
Street Address
Mail Address
City CHEYENNE St WY Zip 82001
DOB 2/22/1979 Sex F Race W Ht 62 Wt 170 Hair BLN Eyes BLU
DL # 2000000000 Class C State WY
Employer _____ Phone Number _____
VL # 200000 St WY Make CHEVROLET Model SUBURBAN Yr 2010

VIN _____
 Passenger PU SUV Motorcycle MPV Color RED
 Comm Veh Comm Viol Comm 10,001 to 26,000 Comm > 26,000
DOT # _____ Placarded Veh. Haz Mat ID # _____
Co. Name _____
City/State _____
G&F Lic. # _____

The undersigned states that on or about the 16 day of January, 2015
at 20:35 hrs at LRS Section# _____
 Street County Rd. State Hwy Private Property Travel Dir. E
Location CY & BELLAIRE
 School Zone Construction

The defendant did unlawfully commit the following offense against the peace and dignity of the State of Wyoming
City of Casper

39 MPH in 30 MPH Zone Radar Other Lidar 4 Dist: 488 ft
157011061AA - Statute/Ordinance # 31-5-301(B) BY 10.04.010 (C)
9 MPH OVER \$86.00

Charge and Bond amount for each charge

and the undersigned further states that there are just and reasonable grounds to believe that the person named above committed the offense herein. CRASH
Complainant _____ BAC _____ %
Sworn to and Subscribed before me this _____ day of _____, 20____
Judge/Judicial Officer _____

Court date and time and citation is marked that it can be paid instead of appearing

I hereby promise to appear in Municipal Court at 1:00 PM
on the 11 day of February, 2015 in CASPER, WY.
 MUST APPEAR May forfeit bond in lieu of appearance
Officer SMITH CHRIS No. 195 Dept. Casper PD

If this is marked, you **MUST** come to Court

Physical Court Address: 201 N. DAVID, WWW.PEPPER
CASPER WY 82601
Mailing Court Address: TRAFFIC MUNICIPAL COURT
200 N. DAVID
CASPER WY 82601
Pay Online: WWW.CASPERTIX.COM
Pay By Phone: (877) 794-1215

Bond \$86.00 Paid By _____ NO Bond Taken
Date _____ Rec'd by _____
Date _____ Rec'd by _____
Court receipt # _____ Seat Belts in use

Total Amount on all charges to be paid