

WHEN THE PROSECUTION HAS FINISHED: You may then present your own witnesses or testify in your own behalf. You are not forced to testify against yourself, but you may testify if you desire. Any evidence you give may be used by either side. If you do testify, the prosecution has the right to ask you any questions pertaining to the charges.

WHEN ALL THE WITNESSES HAVE TESTIFIED: You or your attorney may tell the court why you think you should be found Not Guilty.

If the court finds you Guilty and you feel the judgment or the sentence was in error, you have twenty (20) days within which to appeal. Appeals in practically all instances will be heard by the Superior Court, Law Division.

Damages resulting from a collision cannot be tried by this court. This court is only concerned with violations of the State statutes and municipal ordinances.

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If you will follow these suggestions, your case may be handled more efficiently.

Your Rights in the Municipal Courts of the State of New Jersey



Every person has the right to make his own defense without an attorney but, if you are in doubt as to your proper course, it is recommended that you consult an attorney.

1. You have the RIGHT TO BE INFORMED OF THE CHARGES against you.
2. You have the RIGHT TO REMAIN SILENT concerning the charges against you and anything you say may be held against you.
3. You may plead Guilty or Not Guilty to certain non-indictable charges against you; such as, traffic offenses, disorderly persons offenses and ordinances.

If you are charged with an INDICTABLE offense, the Judge cannot ask for your plea because you have the right to a probable cause hearing before the Judge and a trial by jury at the County level if the Grand Jury indicts you.

There are, however, certain INDICTABLE offenses that may be tried by the Judge if you waive indictment and trial by jury in writing and the County Prosecutor consents. You have the right to be informed if you have been charged with such an offense.

4. You have the RIGHT TO RETAIN AN ATTORNEY.
5. You have the RIGHT TO BE ASSIGNED AN ATTORNEY if:
 - (a) you are charged with an indictable offense and the State Public Defender determines that you cannot afford an attorney or
 - (b) you are charged with a non-indictable offense and the Judge determines you cannot afford an attorney and there is a likelihood that if you are convicted you will either go to jail, receive a substantial fine or your driver's license will be suspended.
6. You have the right to obtain a REASONABLE POSTPONEMENT so that you may have an opportunity to consult with your attorney and prepare a proper defense.

* 7. You are PRESUMED TO BE INNOCENT until proven guilty beyond a reasonable doubt.

8. You have the RIGHT TO TESTIFY OR NOT TO TESTIFY in your behalf.
9. You have the RIGHT TO CALL OR SUBPOENA witnesses to testify in your behalf.

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Cases usually will be heard in this order:

- (1) application for adjournments
- (2) guilty pleas
- (3) contested matters with an attorney
- (4) other contested matters

IF YOU COME TO COURT FOR A TRAFFIC OFFENSE: and you have not previously notified the court of your intention to plead Not Guilty, speak to the court clerk immediately. If the officer or others involved can be contacted to testify, your case may be heard. If they cannot be reached, you will have to make another court appearance at a later date.

WHEN YOU PLEAD GUILTY: It is not necessary to have a trial. You have admitted that you have violated the law. However, you may then explain to the Judge any extenuating circumstances. The Judge will then impose sentence.

IF YOU PLEAD NOT GUILTY: you and the witnesses will be placed under oath to speak the truth. It is necessary for the prosecution to prove the charges against you. Your attorney has the right to ask the prosecution's witnesses any question pertaining to the charges. If you do not have an attorney, present your questions for the witness to the Judge.

* For some violations, the required proof is by a preponderance of the credible evidence as, for example, in Penalty Enforcement Actions, Fish and Games, filiation proceedings, breathalyzer refusal violations etc.