

Trial Stages

Opening Statements: Opening statements are not evidence and are simply statements given by the opposing sides to give the Court a roadmap of the evidence that the parties anticipate will be presented at trial.

Prosecutor's Case-in-Chief: The prosecutor begins the presentation of the evidence in the case. The prosecutor calls witnesses one at a time. The witnesses are sworn and give "testimony" in response to questions from the prosecutor. The prosecutor may also introduce "exhibits" through the witnesses. This initial questioning is called "direct examination." Following direct examination of witnesses, the defense has the opportunity to "cross-examine" the witness. The defense may introduce exhibits through cross-examination of the prosecutor's witness. When cross-examination is finished, the prosecutor has the opportunity to conduct "redirect examination" of the witness — that is, to ask follow-up questions to the cross-examination. This process repeats itself for each witness until the prosecutor is finished presenting his or her case. When that happens, the prosecutor "rests" or ends its case.

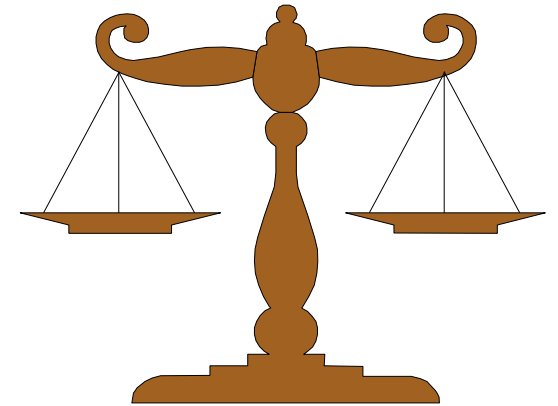
Defense's Case-in-Chief: The defense has a decision to make after the prosecutor rests. The defense has no obligation to testify or present a case. If the defense chooses to present a case, however, the defense would present its case-in-chief in the same manner as the prosecutor.

Prosecutor's Rebuttal Case: Following the defense's case-in-chief, the prosecutor has the opportunity to present a "rebuttal case." That is, to call more witnesses to rebut anything raised in the defense's case-in-chief. The process works the same as the prosecutor's case-in-chief. The prosecutor gets the opportunity to present a rebuttal case because the prosecutor bears the burden of proof and must actually prove guilt of the defendant.

Closing Arguments: After all evidence has been presented, the lawyers are allowed to make their final arguments to the judge or jury. Closing arguments are not evidence. They are simply arguments designed to help the Court make a decision. In closing argument, the defense would argue the facts and law as to why the defendant should be found not guilty. The prosecutor argues first, then the defense argues, then the prosecutor has the opportunity to make a final rebuttal argument. The case is then submitted to the Court for decision.

BE CERTAIN YOU ARE PRESENT IN THE ASSIGNED COURT ON YOUR TRIAL DATE OR YOU MAY BE SUBJECT TO FURTHER CRIMINAL CHARGES FILED AGAINST YOU FOR FAILURE TO APPEAR FOR YOUR TRIAL SETTING.

Pro Se Litigation Information



San Antonio Municipal Courts

**401 S. Frio St.
San Antonio, TX 78207
210-207-8970**

www.ci.sat.tx.us/muniert

Pro Se

If you are appearing in court without the aid of an attorney, you are what the Court refers to as a *pro se* [pro'say] litigant — you are “appearing for yourself.” The information provided in this brochure is designed to give you some basic information about the procedures that will be followed in the courtroom. **The information provided here is very general and may not apply the same in each individual case.**

Not Guilty Plea

On a plea of not guilty, a formal trial is held. As in all criminal trials, the State is required to prove the guilt of the defendant “beyond a reasonable doubt.” A plea of not guilty means that you are informing the Court that you deny guilt or that you have a good defense for your case. If you have plead not guilty, you will need to decide whether to hire an attorney to represent you.

Pre-Trial Processes

If you have chosen to plead not guilty, the Court Section (room 131) will schedule your trial. You will receive a Trial Setting Notice that will specify a date, time and Court Number that has been assigned for the trial of your case. Court Section will provide you with a copy of your Trial Setting Notice. If you wish to have witnesses summoned to be in attendance at your trial, you must provide the necessary information to the Court Section for preparation of the required subpoenas at least

three weeks prior to your trial date. Without subpoenas issued, no individual is legally obligated to appear as a witness.

Your case will be heard by a Jury (6 residents of San Antonio), unless you have waived your right to a Jury Trial and requested that your case be heard by a Judge. If your case is to be heard by a Jury, and you wish the Jury to assess the punishment in your case if you are found guilty, you must inform the Judge of this election before the jury panel members are asked any questions (voir dire). Otherwise, the Judge will assess your punishment if you are found guilty by the Jury at the conclusion of your trial.

Court Reporter

If you intend to appeal your case in the event that you are found guilty after your trial, you must request that a Court Reporter be present at your trial and make a record of your trial proceedings. You will not be charged for the services of the Court Reporter unless you request that a written transcript of the trial proceedings be prepared by the Court Reporter. A written transcript will be necessary for an appeal. The request for the Court Reporter's services can be made on the same date you received your Trial Setting Notice.

Day of Trial

Your case will be called by the Court at the date and time indicated on your Trial Setting Notice. Your presence is required in the assigned Court on your scheduled court

date and time. You are expected to be seated in the assigned Court at least 10 minutes prior to the time your case will be called by the Court.

At the trial of your case, you have a right to be represented by an Attorney for the charges pending against you. Municipal Courts will not provide a court appointed attorney for you, but you may hire your own Attorney to represent you on your trial day.

If you wish to represent yourself (pro se) at your trial, you may do so, but you should consider consulting with an Attorney before you attempt to represent yourself. San Antonio Municipal Court is a “court of record” which means the trial shall be conducted according to the rules of the “Code of Criminal Procedure” and the “Rules of Evidence.” If you represent yourself, you may not know these rules as well as the Prosecutor. You will be required to conduct your trial according to those rules and the Court can not give you any assistance in the trial of your case. Although you are not required to present any evidence, you may do so in accordance to the “Rules of Evidence.” If you do not conduct trial according to those rules, the Prosecutor can object to the trial proceedings, which means you may not be able to present to the Jury or Judge the information you wish them to hear as “evidence” in your case.