



## Mayor's Court Trial Procedures

### Magistrate John O'Shea

1. The Prosecutor will ask you if you maintain your plea of not guilty.
  - If you maintain your not guilty plea, then the trial will commence.
  - If you wish to amend your plea to guilty or no contest, a finding will be made at that time, and your right to trial will be waived. (Skip to #11)
2. All witnesses who wish to testify will then be sworn in. You must be sworn in if you wish to testify on your behalf.
3. The Prosecution will then call its first witness. You will then have an opportunity to cross-examine the witness. (**REMINDER:** Cross-examination is not a time for you to testify. You will be given that opportunity if you wish to do so. Cross-examination merely allows you, as Defendant, to question the witness based on the Prosecution's questions.)
4. After the Prosecution has called its witnesses and rests its case, you will be instructed to call your witnesses, if any. (The Prosecution may reserve the right to call rebuttal witnesses that may be put on after you close your case.)
5. If you wish to testify on your behalf, you will be given the opportunity to tell the Magistrate your side of the story. This is your **only** time to testify. You cannot testify during cross-examination of the Prosecution's witness or direct examination of your witness.
6. The Prosecution will then have the opportunity to cross-examine any witnesses that you call, including yourself. Redirect and recross may occur at the discretion of Defendant and the Prosecution.
7. You will have the opportunity to comment on the Prosecution's cross-examination of you or ask questions of your witness based on the Prosecution's original cross-examination. Once you are done calling all your witnesses, you will then "rest your case."
8. The trial will then proceed to closing statements. Closing statements give you the opportunity to summarize the evidence that has been presented.
9. The Prosecution will have the opportunity to offer its closing statement first.
  - Defendant will then have the opportunity to offer his/her closing statement, and the Prosecution will then have an opportunity to rebut Defendant's closing statement.
  - There is no opportunity for Defendant to comment on the Prosecution's rebuttal.
10. After closing statements, the trial will be concluded. The Magistrate will then make a finding of guilty or not guilty.
  - Upon a finding of not guilty, you will be free to go.
  - If found guilty, the Magistrate will then hear any mitigating factors prior to sentencing that you wish to offer.
11. After the Magistrate has sentenced you, you will proceed to the Clerk's desk to make arrangements to pay the assessed fine and/or be incarcerated.
12. If you have any questions, please address them to the Prosecutor or the Magistrate.