

HANDOUT FOR PRO-SE DEFENDANT – JUDGE TRIAL

Per Montana Code Annotated 46-8-101.3(b), the defendant, if unable to employ counsel, is entitled to have counsel assigned if: the offense charged is a misdemeanor and the court desires to retain imprisonment as a sentencing option. Your violation does not require imprisonment, so counsel will not be assigned. You may retain your own legal counsel at your own expense. The following information may be of help to you if you choose to represent yourself at trial.

1. The judge will announce the case and give a general review of the trial process.
2. The City will make an opening statement (this statement may be waived). This statement is not testimony. You may also make an opening statement. This statement must be an overview of what you expect to show by the testimony from you or our witnesses. It is not testimony, and can be waived without any effect to your case.
3. The City will call a witness who will be placed under oath.
 - a) The City will question the witness.
 - b) You may question the witness about the information that was just covered.
 - c) The City will question the witness again (can be omitted).
 - d) You may question the witness again, IF the City questioned the witness again.This procedure will be followed for each witness. The City will rest their case after all of their witnesses have testified.
4. You, the Defendant, will call your first witness. The witness will be placed under oath.
 - a) The Defendant will question the witness.
 - b) The City will question the witness.
 - c) You may question the witness again (the Judge may ask questions for clarification).
 - d) The City may question the witness again.
5. You still have the right to remain silent and this right cannot be held against you. If you decide to testify on your own behalf, come forward and be sworn (Remember that you will be required to answer the City's questions. You will generally be allowed to tell your side in story form. Keep your statements to the pertinent facts of the case, which is the cause for your being in court).
 - a) The Defendant will testify.
 - b) The City will question you, the Defendant (only if you choose to testify on your own behalf).
 - c) You may add items to your testimony, if relevant.
 - d) The City may question you again. You will then rest your case after all your witnesses have testified.
6. The City may call additional (rebuttal) witnesses.
7. The City will give their initial closing statement. This statement is not testimony, and may be waived by the City. The Court will not make a decision based on closing or opening statements.
8. You may give a closing statement. This is not testimony, nor is testimony allowed here. This statement is simply a conclusion of the testimony and evidence already presented. For example, your statement could be, "From the testimony given here today, I ask the Court to find me not guilty of this charge. Thank you."
9. The City will give their final closing statement.
10. The Court will make a decision.

****FAILURE TO APPEAR FOR TRIAL WILL RESULT IN A WARRANT FOR YOUR ARREST AND POSSIBLE SUSPENSION OF YOUR DRIVER'S LICENSE, AND THE TRIAL MAY BE HELD IN YOUR ABSENCE.**