

Canby Municipal Court

Appearances, Arraignments and Trials

Court Rules

- Weapons are prohibited in the courtroom (guns, knives, etc.) except by law enforcement officers.
- Cell phones, pagers, and other electronic devices are not allowed.
- Audio and video recording is not permitted.
- Be polite and courteous to the Judge, Court personnel and those around you.
- No food or drink is allowed in the courtroom.
- Children may be present in the courtroom, however, if they disturb the proceedings you will be asked to remove them. Childcare services are not provided.
- No backpacks are allowed. Purses and persons may be searched.
- Suitable attire is required, and hats removed in the courtroom. No shorts, tank tops, or excessively soiled or damaged clothing are permitted. You may be directed by the Judge to return at a later date for a Court appearance if dressed inappropriately.

Arraignments

An arraignment allows you the opportunity to appear in person before the Judge to enter your plea in Court. At any time PRIOR to your arraignment date, you may enter your *No Contest* plea in person, online, in writing, by mail or telephone. If you want to contest your citation, you may enter a *Not Guilty* plea in person, by mail or fax and request a trial. No pleas will be accepted by email. Contact the court prior to your arraignment court date; you may be eligible for a fine reduction.

Your fine is due in full when a plea/judgment is entered on your case or you must set up a payment plan.

An arraignment date is set at the time you receive your citation; this date/time is listed on your citation usually one month from the date you receive the citation. Arraignments are held on Mondays at 8:30 a.m.

Check your citation for the time you are scheduled to appear. If you fail to appear you will be found ***guilty by default***, the maximum fine will be assessed, and your license may be suspended.

If your citation indicates that an appearance is **MANDATORY**, *you must appear before the Judge* on the date/time listed on your citation.

If you want to appear before the Judge or your appearance is mandatory, and you are unable to appear at the listed time, you must contact a clerk in advance to change your appearance time.

If you enter a plea of *Not Guilty*, your case will be set for trial. Testimony will be heard on your trial date when the citing officer is present.

Trials

At a trial, both you and the law enforcement officer will appear in front of the Judge to present evidence and testimony in regard to your citation. If you miss a scheduled trial, you will be found *guilty by default*, the maximum fine imposed, and your driver's license may be suspended. If there are extenuating circumstances that arise prior to the scheduled trial date, contact the Court *immediately* in writing. It is possible that a one-time postponement may be granted, at the Judge's discretion.

What happens at Trial?

The Judge will explain that the officer has the burden of proving the case. The burden of proof for violations is "preponderance of the evidence", the lowest burden of proof in law. It means that the officer is required to prove "more likely than not" the offense occurred. The officer is not required to prove a guilty mental state, such as, intentionally, knowingly, recklessly, or with criminal negligence. The decision will be based on the facts presented and whether the incident happened, more likely than not.

The officer who cited you will appear in person to present the case in Court. After the officer presents the case, you will be able to ask the officer questions, then present your case. The officer may have questions for you. Following your presentation, the officer is allowed to present rebuttal evidence or testimony. If there is rebuttal evidence, you can ask questions. At the conclusion of the presentations, there will be a finding of either *Not Guilty* or *Guilty*. If the finding is *Not Guilty*, the citation is dismissed. If the finding is *Guilty*, a fine is imposed and you may pay at the front window with the clerk.

Appeals

If you are found *Guilty* at trial, you may appeal. The appeal process for violations is outlined in Oregon Revised Statute 138.057. Court staff cannot provide you with legal advice regarding the appeal process.