

## Minors and Bridger City Court: Traffic, MIPs & Gambling

If a minor is charged in town with a traffic or MIP violation, the charges will be filed in Bridger City Court. (Other charges for other things in other places will be filed in other courts.) Here is some very basic information about the court. It is not advice. If you need advice, you need a lawyer.

### **What is the Bridger City Court?**

It is the judicial branch of town of Bridger's government. It is not part of the legislative (council) or executive (Mayor, police and prosecutor) branches.

### **Where does it get its authority over me?**

It is a court of limited jurisdiction, which means that it has jurisdiction over whatever the Montana legislature says. The Montana legislature has said that city courts have jurisdiction over traffic, alcohol, tobacco and gambling violations committed by minors. See 41-5-203(1) and (2), MCA.

(In the Montana Code Annotated, go to subsections 1 and 2 of section 203 in Chapter 5 of Title 41. The town has a copy as does the Court. It is online at <http://leg.mt.gov/bills/mca.>)

### **Whose side is it on?**

The court is on its own side. Its job is to uphold the Montana Constitution, administer justice and settle disputes. It looks out for the constitutional rights of the parties that appear before it: plaintiffs, defendants and victims.

Section 16 of Article II of the Montana Constitution requires:

"Courts of Justice shall be open to every person, and speedy remedy afforded for every injury of person, property, or character...Right and justice shall be administered without sale, denial, or delay."

### **What rules does it play by?**

The rules of procedure are less complicated in city court. They are 1) *Montana Justice and City Court Rules of Civil Procedure* and 2) *Montana Uniform Rules for the Justice and City Courts*. They are written by the Montana Supreme Court, but are included in the MCA for easy access in Chapters 23 and 24 of Title 25.

### **Possession**

Possession is an element for MIP violations for alcohol and tobacco. You can be charged just for having alcohol or tobacco. Whether you use it or not is not an issue. Possessing means having something under your physical control. You can possess something that is not on your immediate person.

### **If You are Charged**

Find the court date to appear on the complaint.

Read the MCA for your charge.

Make arrangements to appear with a parent, guardian or responsible adult.

Consider an attorney.

Show up in court on the court date OR contact the court and schedule a date for you to appear.

### **What if I do not Appear?**

If you do not appear in court on the date listed on the ticket, the court will send you a couple of notices over the next several weeks to remind you of the appearance. Eventually, the court can suspend your driver's license, and/or issue a bench warrant. A bench warrant for a minor can only be served during day time and during times when the court is open.

### **Why is the Court so Uptight about Appearing?**

The court is obliged by the Montana constitution to administer justice regarding a case in a relatively speedy fashion. It needs to balance its obligation with the rights of the parties and come to a disposition. It cannot allow parties to gum up the works, but at the same time it cannot trample all over their schedules.

### **Why do I have to appear for a Speeding Ticket?**

You are required to appear for all traffic offenses because traffic offenses can have ramifications elsewhere—like on your parents' auto insurance. The court may also confiscate a minor's driver's license for any traffic offense if it thinks that is warranted. It is generally helpful for the adults in your life to know if these have happened.

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### Your Rights in the Montana Constitution

(These are only a few rights that bear on court proceedings. You can find the full list in the Montana Constitution.)

#### To Equal Protection (Article II Section 4)

The law protects you just as much as it protects everybody else.

#### To Due Process (Article II Section 17)

The court cannot take away your liberty or property without first giving you notice of what it is about to do and providing you a meaningful opportunity to be heard.

#### To Have Other people Tell Your Side (Article II Section 24)

You have a right to witnesses to testify for you in a public trial before an impartial jury. If you know that somebody saw what happened and can back up your side of the story, the court can subpoena them and compel them to testify. The court can be a bit stern in getting to the bottom of things, but its obligation is to justice and not to the feelings of the parties or to the convenience of their schedules.

#### To Remain Silent (Article II Section 25)

Nobody can force you to testify against yourself. The prosecution must prove that you did it. You do not have to prove that you didn't. The court assumes that you didn't until either you admit that you did or there is enough evidence to prove that you did.

#### To a Speedy Trial by an Impartial Jury (Article II Section 24)

If you don't do anything to cause a delay, then the prosecution has to bring the case to trial within six months. If you do anything to cause a delay, then you've waived this right.

#### To a Fair Sentence (Article II Section 22)

The sentence cannot be cruel or unusual, and any fines may not be excessive.

### Case Procedure

#### The Charge (Article II Section 20)

The charging document must be a complaint. It has to tell you in words what you are charged with, the code citation from the MCA, and the court date and location where you are to appear.

#### Initial Appearance (Title 46 Chapter 7)

When you appear the court will explain your rights, the charge and the possible penalties. If needed, it will appoint an attorney for you.

#### Arraignment (Title 46 Chapter 12)

The arraignment is where you enter a plea. The court does not have to accept a guilty plea. It may enter a not guilty plea for you regardless of your wishes if it thinks your rights or its obligations require it. Remember, the court is on its own side.

#### Disposition

The disposition is the court's decision about the charge. If you plead *not guilty*, the court will hold a trial and review evidence and listen to argument. Then it will find you *not guilty* or *guilty*. If you plead *guilty*, the court must find there are facts that support that you did it. If it does not find those facts, then it cannot accept the *guilty* plea. (It would enter a *not guilty* plea and proceed to trial.)

#### Sentence (Title 46 Chapter 18)

The Bridger City Court cannot sentence a minor to jail (but Youth Court can). So, typically the court would impose a fine. You are responsible to pay the fine. The fine cannot be excessive, and it must be within your ability to pay: either with money or with community service.

#### Complying with the Sentence

The court has criminal jurisdiction to collect the fine for six months per charge. It has civil jurisdiction for ten years. If you ignore the sentence, the court can file criminal contempt charges in Youth Court. When you turn 18, the court can submit your fine to a collections agency.