

Trials

Trials will be scheduled approximately thirty (30) to sixty (60) days from the entry of a denial.

Trials in the Beech Grove City Court are conducted on Wednesday evenings, beginning at 6:00 pm. You are expected to be on time for your trial.

You may hire an attorney if you want to be represented by one at the trial, but you do not need to hire an attorney. You may represent yourself. If you do hire an attorney, you need to do that far enough in advance of the trial date so as not to cause a delay in the trial.

At the trial, the officer who issued the ticket and/or other witnesses will testify. You will have the opportunity to cross-examine, or ask the officer and/or other witnesses questions about their testimony after they have given it. You will also be allowed to testify to tell the Judge your side of what happened. All testimony must be given under oath or affirmation to be considered. You may also present other evidence on your own behalf, including photographs, diagrams, written documents, and the testimony of other witnesses who have first-hand knowledge of the facts at issue.

The Prosecutor or City Attorney has the burden of proving that you committed the offense(s) with which you are charged by a preponderance of the evidence. You **DO NOT** have to be proven guilty beyond a reasonable doubt. That means that enough evidence must be admitted in Court for the Judge to find that it is more likely than not that you committed the offense(s) with which you are charged. If the Prosecutor or City Attorney meets that burden of proof, a judgment will be entered against you, fines and/or court costs will be assessed, and, if your offense is a traffic offense, the judgment will be certified to the Bureau of Motor Vehicles. If the Prosecutor or City Attorney does not meet that burden of proof, a judgment will be entered in your favor and no fines or court costs will be imposed.

If fines and/or court costs are imposed, you may request that you be permitted to delay your payment. If you do not pay on time, the Court will certify your failure to pay to the Bureau of Motor Vehicles, and your driving privileges will be suspended.

If you cannot appear for your trial and you want a continuance (postponement), you must request that continuance at least five (5) days before trial. You do not need to have a lawyer to get a continuance. You need to have a good reason for your continuance. That good reason must be stated in a written continuance request. That written continuance request must be delivered to the Court in person, by mail, or by fax so that the Court receives it at least five (5) days before the scheduled trial date. Generally speaking, the Court will only allow one continuance to the person charged, and one to the Prosecutor or City Attorney.

If you do not appear at your trial, the Judge is permitted by law to enter a default judgment against you and impose fines and/or court costs, which you will be required to pay. The Court will certify the default judgment and failure to appear to the Bureau of Motor Vehicles and your driving privileges will be suspended.