

## Introduction to St. Joseph County Traffic and Misdemeanor Court

In St. Joseph County, the Traffic and Misdemeanor Court which is located at 112 S. Lafayette Street, South Bend, Indiana handles all misdemeanor cases and a large number of traffic violations that occur within the county. Some traffic violations are also handled in the Walkerton Town Court which is located at 301 Michigan Street, Walkerton, Indiana. This article discusses the process for resolving misdemeanor cases, not traffic infractions. The process for infractions is a bit different.

The Traffic and Misdemeanor Court is very busy. It is open almost every day, Monday thru Friday and beginning at 8:00 a.m., and there are usually in excess of one hundred hearings per day. In the morning, everyone who is not in jail appears for routine hearings. These routine hearings can involve initial appearances, status hearings, plea bargain hearings, and sentencing. Trials and hearings that are likely to take more than a few minutes or that involve witnesses are normally held in the afternoon. Also during the afternoon sessions the Traffic and Misdemeanor Court conducts arraignments for all felony cases that are filed in St. Joseph County and handles routine hearings for misdemeanor cases for defendants in custody.

Some misdemeanor cases that are frequently filed in the Traffic and Misdemeanor Court include Operating While Intoxicated, Reckless Driving, Battery, Domestic Battery, Invasion of Privacy, Criminal Conversion, Public Intoxication, Disorderly Conduct, False Informing, Minor Consuming/Possessing Alcohol, Possession of Marijuana, and Possession of Paraphernalia, Driving While Suspended, Driving Never Licensed, and other misdemeanors. Traffic violations include all infractions such as Speeding, Driving While Suspended, Disregarding Traffic Control Devices, Failure to Signal, etc. If your case is a misdemeanor, you are required to appear in person at every scheduled hearing even if you have a lawyer. If your case is a traffic infraction, your attorney can appear on your behalf and you are not required to appear in person.

Typically, during your first appearance in court, the judge will give you a copy of the charges that have been filed against you and will advise you of certain rights that you have as a defendant. Most important of these rights is your right to a lawyer. The judge will ask you if you will retain a lawyer or request a public defender. If you are indigent (meaning you have no assets or significant income), the court will appoint a public defender to represent you.

If you have retained a lawyer, between your first and second court dates, your lawyer should obtain the discovery related to your case. Discovery includes police reports, witness statements, pictures, videos, or other evidence that might be used during a trial. In addition, your lawyer will speak to a deputy prosecutor about plea bargaining or otherwise resolving your case.

For some offenses, there is a program called Pre-Trial Diversion. To qualify for Pre-Trial Diversion, you must have a clean record. Pre-Trial Diversion is not generally allowed for people who have previous convictions, although, if your convictions were many years ago, sometimes you can still qualify. If you are qualified for Pre-Trial Diversion, the prosecutor will create a written agreement. By way of this agreement, your case will be delayed for approximately one year. During the delay, you must not be arrested or charged for any new criminal offenses. Depending on the circumstances of your case, you may also be required to complete community service, pay restitution, attend counseling, or other requirements. At the end of the Pre-Trial Diversion delay, if you have successfully completed all of the requirements, your case will be dismissed. If your case is dismissed, you will not have any criminal conviction. The fact that you were charged with a crime and that the case was dismissed will be a part of your criminal record.

Some offenses are not eligible for Pre-Trial Diversion. Operating While Intoxicated is one such offense.

If you do not enter into Pre-Trial Diversion, you might reach a plea agreement with the State. This means that your attorney and a deputy prosecutor have agreed that you will plead

guilty and all or some aspects of the sentence are agreed upon. For example for a first offense for drunk driving, it is common to agree on a jail sentence of 30 days (15 actual days). If you cannot reach a plea agreement, you can schedule your case for trial. If the trial is a bench trial, your case will stay in the Traffic and Misdemeanor court. If you demand a trial by jury, your case will be transferred to the Mishawaka Division of the Court. All misdemeanor jury trials are held in the courthouse located in Mishawaka because the Traffic and Misdemeanor Court does not have room for a jury.