

IN THE JUSTICE COURT OF RECORD  
CITY OF HELENA, LEWIS AND CLARK COUNTY, MONTANA  
Before MICHAEL G. SWINGLEY, Justice of the Peace

*Pro Se* Litigant Information Sheet for **CRIMINAL/TRAFFIC CASES**

- If you are appearing in court without the aid of an attorney, you are what is known in the legal system as a *pro se* (pro'say) litigant; that means you are appearing for yourself. You may be somewhat apprehensive due to your lack of familiarity with courtroom procedure and formalities. This information sheet is designed to provide you with some basic information about the procedures that will be followed in the courtroom. **This information is very general and may not apply the same in each individual case.**
  
- **YOUR RIGHTS.** Court cases in criminal and traffic matters are called prosecutions. The parties involved are always a State or City Prosecutor and yourself. Due Process in a criminal or traffic case offers you certain protections: 1) you have a right to be represented by an attorney (including having one appointed if you can not afford to hire your own and you are being prosecuted for a crime for which you could be jailed), 2) you have the right to a trial, 3) you have the right to require that the prosecutor prove your guilt beyond a reasonable doubt – you do not have to prove your innocence, 4) you have the right to be present during trial and to confront the witnesses called against you, 5) you have the right to subpoena your own witnesses into court, and 6) you enjoy a privilege against self-incrimination; no one can force you to testify, but if you choose to do so you will be treated as any other witness. Generally speaking a trial is divided into five stages: 1) opening statements, 2) the prosecutor's case-in-chief, 3) your case-in-chief, 4) the prosecutor's rebuttal case and 5) closing arguments.
  
- **OPENING STATEMENTS.** Opening statements are not evidence but are simply statements given by the parties to give the court a roadmap of the evidence that the parties anticipate will be presented at trial.
  
- **PROSECUTOR'S CASE-IN-CHIEF.** The prosecutor's case-in-chief begins the presentation of evidence in a case. The prosecutor calls witnesses one at a time. The witnesses are placed under oath and give testimony in response to questions from the prosecutor. The prosecutor may also introduce exhibits through the witnesses. This initial questioning of the witness is called direct examination. Following direct examination of the witness you have the opportunity to cross examine (ask the witness questions). This is a time for you to ask questions, not argue with the witness or make statements. You may also introduce exhibits through the prosecutor's witness. When you are finished with cross examination the prosecutor has the opportunity to conduct redirect examination of the witness; to ask follow-up questions to your cross examination of the witness. This process repeats itself for each witness until the prosecutor is finished presenting his/her case. When that happens the prosecutor rests or ends his or her case.
  
- **YOUR CASE-IN-CHIEF.** You have a decision to make after the prosecutor rests. You have no obligation to testify or to present a case. If you choose to present a case, you would present your case-in-chief in the same manner as the prosecutor. That is you would call witnesses, question them, allow the prosecutor to ask them questions, and then you could do re-direct examination. You could introduce exhibits, if any, through your witnesses. If you choose to testify you will be subject to cross examination. This process would continue, one witness at a time until you are finished presenting your case and then you would rest your case.
  
- **PROSECUTOR'S REBUTTAL CASE.** Following your case-in-chief the prosecutor has the opportunity to present a rebuttal case; that is to call more witnesses to rebut anything you may have raised in your case-in-chief. The process works the same as the prosecutor's case-in-chief. The prosecutor gets the opportunity to present a rebuttal case because the prosecutor bears the burden of proof and must actually prove your guilty whereas you need not prove anything.
  
- **CLOSING ARGUMENTS.** At the conclusion of the prosecutor's rebuttal case both parties are given the opportunity to present closing arguments. Closing arguments are not evidence. They are simply arguments or statements designed to help the court make a decision. In closing argument you would argue the facts and the law as to why you should be found not guilty. The prosecutor argues first, then you argue, the prosecutor has the opportunity to make a final rebuttal argument. The case is then submitted to the court for decision.