



City of Clemson

MUNICIPAL COURT

1250 Tiger Blvd., Suite 3 • Clemson, SC 29631 • (864) 653-2045 • Fax (864) 653-2044

MEMORANDUM

To: Rick Cotton

From: Teresa Daniel

Date: November 1, 2016

Ref: Evening Court

Dear Mr. Cotton:

I would like to discuss with you a trial run of expanding the evening court to four times a month instead of two. I suggest that in order to reduce the number of cases brought before us on the two Wednesdays, we look at scheduling evening court every Wednesday. If we were to have court four times a month instead of two, the cases would be evenly spread out, giving the two teams two Wednesdays each month instead of just one court date to write for. Due to the number of cases in the past, there have been times staff has not been able to leave until after 7:00 PM.

I believe a solution for our staff with accrued compensatory time would be to close our office at 3:00 PM on Friday afternoons. The staff has accrued compensatory time for the additional hours worked on Wednesdays. Often time their time off is carried over due to everyone not being able to be off on the same day. This would allow staff to use the time gained when working on Wednesday evening within the same work week. Our office hours would be posted on E-Tickets, website, answering service as well as Notification Board outside our office door. Judicial duties such as bond hearings or warrants would be covered by the Judge on call for the weekend.

I believe Friday afternoon is the best day to be closed for a couple of hours because is the time least utilized by the public. The Court staff has been keeping a log of Friday activities. The log shows how many people are actually coming in after 2:00, as well as how many phone calls are coming in. There have been four to seven people coming in as well as one to four phone calls each Friday. We are very fortunate the public does have the ability to pay citations on line as well as by phone. The primary reason for the office visits on Fridays are the individuals interested in signing up for the Alcohol Education Program. The only mandate for signing up for a Diversion Program, is that one must sign up prior to their trial date, which is on Wednesday. There is nothing mandating someone to sign up on Fridays. The phone calls are individuals inquiring how to contact the police officer or they are inquiring as to the fine amount of their citation, and/or a reminder of when their trial date is scheduled.

I am requesting a trial run for evening court to be expanded to four Wednesdays of each month, benefiting the court staff, the public, as well as police staff. I am also requesting the court office to close on Fridays at 3:00 PM in order for the staff not to accrue excessive compensatory time for their time on Wednesday evenings.

Finally, in response to your questions, here is an overview of what takes place when a person comes into court with a citation. Our court will hear cases involving "Speeding", "Disregarding Stop Sign", "Driving Under the Influence" "Minor in Possession of Beer/Liquor", "Public Disorderly Conduct", "Public Drunk", "Shoplifting", and many other criminal and traffic violations. Prior to the individual's name being called, we give an overview of what to expect. Everyone is told they have a right to be represented by an attorney. The individuals in the courtroom are advised once their name is called, they are to approach the podium. If the person is facing a criminal charge they will then be asked if they understand they have a right to be represented by an attorney and whether they wish to proceed without an attorney. The charge from the citation will be read to them, they will then be asked if they understand the charge. If the answer is yes, they are then asked how they wish to plea. Their options in pleading are "guilty", "not guilty", or "nolo contendere" (no contest). If they plead 'not guilty', they are given the option of going forward with their trial that day, the officer presents the case, and they then have the opportunity to ask the officer questions as well as give their testimony. If they plead "guilty" or "nolo contendere", they are still given the option to make a statement. If a person requests a Jury Trial, the person would then be directed to our Clerk of Court, Gail Fox, to complete paperwork. A Pre-Trial Conference would be scheduled prior to a Jury Trial.

We share the option of Diversion Programs with those eligible to participate. The Alcohol Education Program is for individuals with an alcohol charge, and between the ages of 17 and 20. The Pre-Trial Intervention Program is for a first offense criminal charge (criminal, alcohol or property crime). The Traffic Education Program is an alternative for those with a traffic violation involving two to four points. The diversion programs are beneficial for those with a Minor in Possession of Beer or Liquor due to the state mandate that if the person is found guilty or pleads guilty, their driver's license is suspended for 120 days. The programs allow for expungement of the charges, to be completely removed from their record once the program is completed.

Attached you will find a chart displaying the number of cases listed on the monthly court dockets from June 2016 through December (December continues to grow). Also attached is the Defendant's Checklist, given to each person coming into the courtroom.

Thank you for your time and consideration.

DEFENDANT'S CHECKLIST

- **DO YOU UNDERSTAND THE CHARGE AGAINST YOU?**
- **DO YOU UNDERSTAND THE PENALTIES ASSOCIATED WITH CHARGE?**
- **DO YOU UNDERSTAND YOU HAVE THE CONSTITUTIONAL RIGHT TO REPRESENT YOURSELF?**

- **DO YOU UNDERSTAND YOU HAVE THE RIGHT TO BE REPRESENTED BY AN ATTORNEY?**
- **DO YOU UNDERSTAND IF YOU CANNOT AFFORD AN ATTORNEY WE CAN ASSIST YOU WITH THE APPLICATION PROCESS FOR A PUBLIC DEFENDER?**
- **DO YOU UNDERSTAND YOU HAVE THE RIGHT TO PLEAD GUILTY, NOT GUILTY AND NOLO CONTENDERE (NO CONTEST)?**

- **DO YOU UNDERSTAND YOU HAVE THE RIGHT TO GO FORWARD WITH A BENCH TRIAL TODAY (JUDGE LISTENS AND DECIDES GUILT OR INNOCENCE)?**
- **DO YOU UNDERSTAND YOU HAVE THE RIGHT TO REQUEST A JURY TRIAL (SIX PEOPLE WOULD LISTEN TO THE CASE AND DECIDE GUILT OR INNOCENCE)?**

- **DO YOU UNDERSTAND IF YOU CHOOSE TO MOVE FORWARD WITHOUT AN ATTORNEY AND PLEAD NOT GUILTY YOU HAVE THE RIGHT TO INTRODUCE EVIDENCE, EXAMINE AND CROSS EXAMINE WITNESSES, MAKE CLOSING ARGUMENTS AND OTHERWISE PRESENT A DEFENSE TO THE CHARGE?**

- **DO YOU UNDERSTAND YOU HAVE THE RIGHT TO PLEAD GUILTY TO THE CHARGE? (YOU WILL BE ASKED IF ANYONE IS PRESSURING OR INFLUENCING YOU TO PLEAD GUILTY).**