



RIGHT TO APPEAL AND EXPUNGEMENT

You have just been found guilty in Overland Park Municipal Court of the violation of a city ordinance. You may appeal this decision to the District Court of Johnson County, Kansas in Olathe. This appeal is for a new trial on the original complaint. Your case will be tried to a judge or, in some cases, you may request a jury trial of six persons.

In order to appeal, you must fill out a Notice of Appeal, available from the Municipal Court Clerk, and file it **and** any required appearance bond on appeal with the Municipal Court Clerk within 14 days from the date of the judgment. You may accept the judgment by paying the fine, serving your time, or going on probation, or you may appeal the decision, but not both.

The District Court requires that you pay a \$98.50 docket fee for the appeal. In addition, if you are convicted on appeal, the District Court Judge may assess penalties less than, equal to, or greater than those imposed by the Municipal Court.

Your appeal bond receipt sets forth the time and place of your first appearance in District Court. If you fail to appear at that time or at any other time during the course of your appeal, your bond will be forfeited and the case will be returned to the Overland Park Municipal Court for execution on the fine and/or sentence initially imposed.

You also have the right to have your conviction and/or arrest expunged or removed from your criminal records after the passage of a certain number of years. You will need to contact an attorney to assist you in the expungement process. Most city ordinance convictions can be expunged after three years with the exception of convictions for leaving the scene, driving on a suspended driver's license and failure to maintain motor vehicle liability insurance. For these charges, a five year wait is required. Driving under the influence of alcohol requires a ten year wait period. The time does not begin to run until you have completed your sentence, or been discharged from probation, parole or suspended sentence. The filing fee for expungement is currently \$100.

If you have any questions or concerns regarding this information, please consult with your attorney.