

U.S. Magistrate Court

Information Paper
Office of the Staff Judge Advocate, Fort Knox

What is U.S. Magistrate Court?

U.S. Magistrate Court is a criminal court that has jurisdiction to hear all Federal misdemeanor cases. If you have been cited for or charged with a traffic violation or a misdemeanor crime (sometimes referred to as a “petty offense”) that occurred on Fort Knox, you either already have received or will receive notice to appear in U.S. Magistrate Court. You may have experienced something similar if you have ever been to court for a traffic ticket or minor offense in a state or local jurisdiction. When you arrive on your appearance date, you will have an opportunity to discuss your case with the prosecutor (a Special Assistant United States Attorney, or SAUSA), and you will be called before a Federal Magistrate Judge. Your case may be disposed of the very same day, or it may require returning for multiple visits depending on the circumstances of your case.

Why am I in a Federal court instead of a Hardin County court?

Fort Knox is what’s referred to as an *Exclusive Federal Territorial and Maritime Jurisdiction*. That means that the U.S. Government alone has the authority to prosecute criminal cases – from a speeding ticket all the way up to murder and everything in between – based on actions or events that occurred on Fort Knox. Felony cases must be heard in Federal District Court, but misdemeanor cases and traffic tickets are heard in Magistrate Court, which is itself a division of U.S. District Court.

What sorts of offenses are prosecuted in Magistrate Court?

All traffic tickets are handled in Magistrate Court. **Both Soldiers and civilians may be prosecuted in Magistrate Court for traffic violations.** Some typical traffic offenses include:

- Speeding
- DUI
- Failure to Obey Stop Sign
- Expired Registration
- Failure to Maintain Insurance
- Driving w/Suspended License
- Hit and Run
- Reckless Driving
- Illegal Window Tinting
- Driving while Using a Cell Phone

When Soldiers commit non-traffic related crimes, they fall under the UCMJ and are handled by the unit. When civilians commit non-traffic related misdemeanor crimes on Fort Knox, they are handled through U.S. Magistrate Court. Some of these crimes include:

- Assault
- Larceny/shoplifting
- Trespassing/Violating a Bar Letter
- Disorderly Conduct
- Simple Possession of Controlled Substances
- Endangering the Welfare of a Minor
- Vandalism

When and where is Magistrate Court held?

For the convenience of everyone involved, a Federal Magistrate Judge comes to Fort Knox twice a month to hold Magistrate Court. Otherwise, everyone would have to travel to the U.S. Courthouse for the Western District of Kentucky in Louisville, even though all of the cases originated on Fort Knox. Instead, the U.S. District Court borrows the courtroom on the third floor of Pike Hall (the JAG office), Building 1310, 50 3rd Avenue. Your notice to appear will include the date you are scheduled on the docket. Be prepared to arrive no later than 8:00 AM. If that date does not work

for you, call the paralegal for U.S. Magistrate Court to see if it would be possible to reschedule. **Do not ignore your notice.** Failure to appear in court may result in a warrant being issued for your arrest.

What can I expect when I attend Magistrate Court?

Upon your arrival, you will be searched by a uniformed police officer prior to entering the courtroom area. You will then wait in a room next to the courtroom with the other individuals on that day's docket. You may be asked to fill out some paperwork. Before you are called into court, one of the prosecutors will take you into a separate meeting room to discuss your case in private. If you are being represented by an attorney, the prosecutor cannot discuss your case with you without your attorney present, and will most likely speak directly with your attorney. Depending on the circumstances of your case, you may be offered a plea bargain at that time. Then, once everyone has spoken with a prosecutor, you will be brought into the courtroom and wait for your name to be called. The judge will then hear your case. If this is your initial appearance on your case, and you have not already agreed to a plea bargain, you will likely be given further instructions to come back at a later date.

What are my rights?

You will be informed of your rights by the prosecutor before he or she speaks to you about your case, and again later by the judge before your name is called on the docket. Your rights are the following:

- **You have the right to remain silent.** While the prosecutor will offer you the opportunity to discuss your case and potentially reach a plea agreement, you do not have to say anything to him or her. You also do not have to say anything to the judge or answer any questions while you are in court.
- **You have the right to an attorney.** For any case, you have the right to obtain an attorney at your own expense to represent you. If you have been charged with a Class A Misdemeanor (a crime punishable by imprisonment of up to 1 year) or any crime for which the prosecution intends to seek jail time, you may be entitled to free representation by the Federal Defender. The prosecutor will inform you if this applies to your case. In such cases, the judge will put you under oath and ask you questions about your finances in order to determine if you are able to pay for an attorney on your own. If you are determined to be indigent, the Federal Defender may be appointed to represent you.
- **You have the right to a trial.** You do not have to plead guilty, and if you wish to go to trial, the prosecution must prove their case beyond a reasonable doubt. If you are charged with a Class A Misdemeanor, you have the option to have your case tried in Federal District Court by either a jury of your peers or a Federal District Judge. All other cases are tried by the Magistrate Judge.

Contact Information

All questions regarding U.S. Magistrate Court may be directed to the Fort Knox Magistrate Court Paralegal:

**Rm. 208, Pike Hall
50 3rd Ave. (Bldg. 1310)
Fort Knox, KY 40121
(502) 624-0996**