

Since most people are concerned about appearing in court, I offer the following rules and procedures to help you understand how the court functions. The court has jurisdiction of traffic and non-traffic ordinances in this municipality. You have a right to be represented by an attorney, or you may go ahead without one. If you want an attorney, you must retain one at your own expense. The court will not provide you with an attorney.

### **COURT CONDUCT**

This is a court of law and the rules of proper decorum and evidence will be followed. Please remain quiet while the court is in session and give others the courtesy to be heard and present their case. Smoking is prohibited in the courtroom. Persons who fail to conduct themselves in an orderly manner shall be cited for contempt.

### **INITIAL APPEARANCE**

At the initial appearance, you may enter a plea. Only those cases where you enter a Guilty or No Contest plea will be heard. If you choose to enter a Not Guilty plea, the case will be scheduled for trial at a later date. At the trial, the municipal attorney will be present, along with witnesses. You should also have your witnesses present at that time. If you are cited for a violation of Driving While Intoxicated and plead Not Guilty, you may request a Jury Trial before the Waukesha County Circuit Court. A timely written request and payment of the required fees must be made within ten (10) business days of the initial appearance.

### **PLEAS**

If you plead Guilty, it is an admission of the charges against you.

A plea of No Contest is similar to a plea of Guilty and I will treat it the same as a Guilty plea. However, you will not be admitting your civil liability for use in other litigation, which should be expected where personal injury or property damage is involved.

Where pleas of Guilty and No Contest are made, a money judgment (forfeiture) is entered against you. You will be given an opportunity to discuss any mitigating circumstances surrounding the charge.

If you plead Not Guilty it means that you feel that the charge against you is not correct. If you plead Not Guilty, the municipality must prove your guilt by "clear and convincing evidence." In short, the facts proven by the municipality must indicate that it is highly probable that you committed the ordinance violation.

If you are in doubt as to which plea to enter, I suggest you ask for an adjournment so you can review your case and make an informed plea at the adjourned date.

### **COURT PROCEDURE**

After signing in with court personnel, you will first be called and seen by the City Attorney. This is your opportunity to discuss the circumstances surrounding the charge(s) on your citation(s). Most cases are resolved by stipulation/agreement between you and the City Attorney. If a stipulation/agreement is reached you will return to the courtroom and wait for your name to be called. I will need to make sure you understand any stipulation/agreement and approve it before you can leave. When you are called, come forward and stand at the podium, and I will discuss your citation and take your plea.

If you enter a Not Guilty plea, I will confirm your trial date/time and provide you with information for you to proceed to trial.

Upon acceptance of a Guilty or No Contest plea, a forfeiture plus costs may be imposed. Forfeitures are payable immediately, however you will be given sixty (60) days to pay in full. If you fail to pay your forfeiture by the due date, you may be committed to jail, the debt may be referred to the Department of Revenue State Debt Collection or, in some cases, your driver's license may be suspended for up to one year. If needed, you may request that the Court allow you to pay your forfeiture through an installment plan.

If because of poverty as defined in §814.29(1)(d) (receiving means-tested assistance or limited/no income) or unexpected circumstances, you are either unable to pay your forfeiture or keep up with an installment plan by your due date, you should notify the Court in writing and an adjusted installment plan or a stay may be provided.

### **TRAFFIC VIOLATIONS**

If you are found Guilty of a traffic offense, in addition to any judgment made by the court, the State Department of Transportation may assess demerit points against your driving record, which may result in the suspension or revocation of your driver's license. The assessment of 12 demerit points in one year shall result in the loss of your license. Any person holding a probationary license will be assessed double the demerit points for the second and all subsequent moving violations. Juveniles cited for traffic ordinance violations are subject to the same forfeitures and court procedures as adults.

### **JUVENILES**

The Municipal Court has jurisdiction of persons who are at least 12 years of age and less than 17 years of age charged with non-traffic ordinance violations. Juveniles have the same rights as adults with respect to pleas. They have a right to a private (closed) hearing. A money judgment may be entered against a juvenile found Guilty of a non-traffic ordinance violation. If the offense is alcohol related or possession of drug paraphernalia, the driver's license of the defendant may be suspended regardless of payment.

### **TRIALS**

The trial procedure is as follows: The prosecution will produce its witnesses to testify as to the facts and circumstances surrounding your case. You or your lawyer will be permitted to cross examine each witness. When the prosecution has completed its case, you and your witnesses will be given the opportunity to testify and will be subjected to cross examination by the prosecution. After all the evidence has been presented, the prosecution and the defense will be given an opportunity to summarize their respective cases to the court through brief argument. Thereafter, the court will determine your innocence or guilt. If the court finds you Not Guilty, you will be discharged and the complaint against you dismissed. If you are found Guilty, the court will impose a penalty, taking into consideration the seriousness of the violation, the hazardous condition, if any, which may have existed at the time, and your past record. If necessary, you may have up to 60 days to pay the forfeiture and costs.

If because of poverty as defined in §814.29(1)(d) (receiving means-tested assistance or limited/no income) or unexpected circumstances, you are either unable to pay your forfeiture or keep up with an installment plan by your due date, you should notify the Court in writing and an adjusted installment plan or a stay may be provided.

### **APPEALS**

If you are found Guilty after trial, you have the right to appeal your case to the Waukesha County Circuit Court. All appeals must be filed in writing within twenty (20) calendar days after judgment. You must file your Notice of Appeal with this Municipal Court. If you fail to meet this time limit, you have lost your right to appeal. The appeal fee must be posted upon filing the appeal.

It is hoped that your appearance in Municipal Court will be a beneficial and learning experience for you.

Judge Lisa T. Warwick