

**STATE OF WICONSIN
MUNICIPAL COURT PROCEDURE
VILLAGE OF ELKHART LAKE/TOWN OF RHINE**

TO ALL DEFENDANTS

Since most people are concerned about appearing in court, I offer the following rules and procedures to help you understand how the court functions. This court has jurisdiction over traffic and non-traffic ordinances in these municipalities. You have a right to be represented by an attorney, or you may proceed without one. If you want an attorney, you must retain one at your own expense. The court cannot provide you with a Public Defender, as this is a civil court not a criminal court.

CONDUCT

This is a court of law and the rules for proper decorum, procedure, and evidence will be strictly adhered to!

INITIAL APPEARANCE

When your name is called, please step forward and sit at one of the tables in front of the bench. I will then inform you of the charges and ask you how you intend to plead. You have a right to request a continuance. You may enter one of the following pleas.

GUILTY- which is an admission of the charges against you. If I accept this plea, you will be found guilty of the charges as they appear on the citation and you will be sentenced. I will give you the opportunity to make a brief statement. I will then review the police reports, prior convictions and other relevant information and will render a judgment accordingly. A forfeiture plus court costs may be payable immediately. However, I will defer payment for up to 60 days if necessary. If you need more time for a larger fine, please let me know at this time. If you fail to pay the forfeiture as ordered, your driver's license may be suspended for up to two years or you may be committed to the county jail for a specified period of time. If you cannot pay the Court immediately, please give the Court Clerk the name and address of your employers and social security number.

NOT GUILTY- which is a denial of the charges against you. You are then given the opportunity to attend a pretrial conference. This is a meeting with the Village/Town Prosecuting Attorney in an attempt to settle your case. If no settlement can be reached you will be scheduled for a trial. Failure to appear at the pretrial may result in a default judgment and you will be found guilty.

NO CONTEST- which means that you are neither admitting to the charges nor are you denying them. This means you believe you could be found guilty if the matter were to go to trial. If I accept this plea, I will find you guilty in accordance with State law and the procedures outlined under the guilty plea will apply. If you are potentially facing a civil suit because of the citation in question, and you believe that you could be found guilty, a no

contest plea is not an admission of your civil liability for use in other litigation, which may occur where personal injury or property damage is involved.

IF YOU ARE IN DOUBT AS TO WHICH PLEA TO ENTER, I SUGGEST YOU PLEAD NOT GUILTY OR ASK FOR A CONTINUANCE SO YOU CAN REVIEW YOUR CASE AND MAKE AN INTELLIGENT PLEA AT THE ADJOURNED DATE!

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 will assess demerit points against your driving record, which may result in the suspension or revocation of your driver's license. The assessment of twelve demerit points in one year shall result in the loss of your license. Any person holding a probationary license will be assessed double demerit points for the second and all subsequent violations.

For all out of state driver, the State Department of Transportation will notify their counterparts in other states of any convictions. For example, the Wisconsin DOT will notify the Secretary of State in Illinois of any convictions in this or any other Wisconsin court.

OWI

If you have been charged with OWI, you have the right to request a jury trial within 10 days or your appearance today in court and upon the payment of the fine and court costs.

JUVENILES

This court has jurisdiction over children 12 through 16 years of age for violations of local ordinances, except underage alcohol includes persons 12 through 20. 17 year-olds accused of violating a municipal ordinance are treated as adults and 16 year-olds accused of violating a traffic offense are treated as adults. This court also has jurisdiction in matters involving truancy and habitual truancy for children between the ages of 16 and 18. Juveniles have the same rights as adults with respect to pleas. Children under the age of 17 have a right to a private (closed doors) hearing but may waive this right upon asking. The court has discretion over any persons wishing to remain in the courtroom for any proceedings. Victims of a juvenile act have the right to be present for all hearings. A monetary judgment may be entered against a juvenile found guilty. Juveniles may also be responsible for restitutions up to \$4,000. Failure to pay forfeiture or restitution may result in sanctions not limited to suspension of driver's license for up to two years, house arrest or incarceration in a juvenile facility.

TRIALS

It is the prosecution that bears the burden of proving the case against each defendant by clear, convincing and satisfaction evidence. The prosecution will produce its witnesses to testify as to the facts and circumstances surrounding their case. You, the defendant or your attorney, if you have one, will be permitted to cross-examine each witness. When the prosecution has completed its case, you will present any witnesses you desire. Similarly, the prosecution will be allowed to cross-examine your witnesses. You will then be given the opportunity to testify and will be subject to cross-examine the prosecution. After all the evidence has been presented, the prosecution and you will be given an opportunity to summarize your respective cases through brief argument. Thereafter, I will render a verdict based on all of the evidence and testimony. If I find you guilty, I will impose a sentence taking into consideration the seriousness of the violation and your past record. I will impose a forfeiture, I will grant time for you to pay the fine as needed. Note: The court will assist defendants in assuring that witnesses will appear in court. **DO NOT RELY ON** familiarity with witnesses to appear. The court will provide subpoenas for trials. You should prepare your case thoroughly and be ready to proceed on the date of trial.

THE PROSECUTION AND THE DEFENSE HAVE A RIGHT TO APPEAL THE DECISION OF THE COURT. All appeals are referred to the Sheboygan County Circuit Court. I will provide you with the appeal rights after the trial.

Any person who fails to conduct themselves in an orderly manner may be cited for contempt of court.

If there are any questions concerning procedures or rules that you wish answered, ask them when your case is called.

The Court is providing this information in an attempt to facilitate your appearance here. It is to serve as brief outline of the procedures and rules that apply to this court. Each defendant has other rights not necessarily explained here. You owe it to yourself to familiarize yourself with the procedures, rules, and your rights.

By the Court,
Honorable Susan H. Schleisner