

STATE OF WISCONSIN | VILLAGE OF WILLIAMS BAY MUNICIPAL COURT | WALWORTH COUNTY

DO NOT THROW OUT, SAVE AND READ

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. The court and its staff do not provide legal advice.

INITIAL APPEARANCE

At the initial appearance, the defendant may enter a plea. If this is not a DWI or an offense that resulted in personal injury or property damage, you shall enter your plea by mail, fax, or email located on the address below. You have three choices of pleas – guilty, no contest, or not – guilty; or you may request a continuance. Where the defendant enters 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 County Circuit Court. A timely written request and payment of the required fees must be made within ten (10) days of the initial appearance. DWI's are a very serious offense, and conviction of a DWI may result in the installation of a vehicle interlock device, and will result in the suspension of your Wisconsin driving privileges and you must complete drug or alcohol counseling. This court highly encourages anyone charged with a DUI to contact an attorney before making any plea. Habitual offenders for driving on suspended licenses, non-registered vehicles, or lack of insurance, may face additional penalties of revocation or suspension of a driving license or impoundment of a vehicle.

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. You are not saying you committed the offense, or denying you committed the offense. 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 tell me of 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 are in doubt as to which plea to enter, I suggest you plead Not Guilty or ask for an adjournment so you can review your case and make an intelligent plea at the adjourned date. 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.

You may request one continuance without leave of court and the matter will be continued to the next court date for a plea. Any continuances after that must be made to the court on motion and granted at the court's discretion.

COURT PROCEDURE

Defendants entering a plea of not-guilty will be given a trial date. Those defendants pleading no-contest or guilty will be given a hearing slot for a phone hearing to review the plea at the next available court date. I will then inform you of the charges and of the consequences of your plea; i.e., traffic demerit points, minimum and maximum forfeitures, etc. The Bailiff will then advise me of the facts of the violation. You may make a brief statement and I will then review your past record, if any, and depending on the seriousness of the present charge and any past record, I will render my judgment accordingly.

Upon a finding of Guilty, a forfeiture plus costs may be imposed. Forfeitures are payable within 60 days. However, I may defer payment for a reasonable time to another court date or set up a payment plan depending on your circumstances. If you fail to pay your forfeiture and do not contact the court before the end of the time to pay, you may be committed to jail or, in some cases, your driver's license shall be suspended for up to one year. If you fail to pay your forfeiture due to poverty, 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 installment plan, community service or a stay may be provided.

FAILURE TO MAKE AN APPEARANCE

If you do not enter a plea or make a plea by mail, email or fax, or appear if required to do so by the time and date stated on your citation, a default no-contest judgment will be rendered against you. A notice will be sent to you in the mail indicating that you have 21 days (counting weekends and holidays, unless the last day is a weekend or holiday, and then the time will expire on the next business day) to enter a plea, or the default judgment will become final, and at that time a notice will be sent to you informing you of the forfeiture you must pay, the time in which you must pay it, and the consequences for failing to pay. If you wish to change your plea after the expiration of the 21 days, you will be required to file a motion conforming to Wisconsin Statute § 806.07 and the matter will be set for a phone hearing at a later 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 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. In addition some moving violations may require you to take online driving safety classes, mandated by the Wisconsin DOT, to preserve your driving privileges – failure to take the classes within the time stated in the notice from State of Wisconsin DOT may result in you a license suspension.

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, the driver license of the defendant may be suspended regardless of payment.

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.

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 installment plan, community service or a stay may be provided.

Please note that you will be required to contact the court 72 hours before the scheduled trial date that you will be appearing for trial, failure to contact the court by that time will result in a default, guilty, judgment entered against you.

APPEALS

If you are found Guilty after trial, you have the right to appeal your case to the County Circuit Court. All appeals must be filed in writing within 20 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, and bond, if ordered, must be posted upon filing the appeal. You have the right to a 6-person Jury Trial on appeal, upon payment of appropriate fees.

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

To enter a plea or if you have questions, please contact:

The Village of Williams Bay Municipal Court
P.O. Box 580 • 250 Williams Street
Williams Bay, WI 53191

Phone: (262) 245-2634

Email: Court@williamsbay.org

Fax: 262-245-2011

The Honorable Donald Robison, Village of Williams Bay Municipal Court Judge
Jennifer Vaun, Clerk of the Village of Williams Bay Municipal Court