

City of Onalaska



MUNICIPAL COURT PROCEDURE

State of Wisconsin



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

By The Court
John M. Brinckman
Municipal Judge

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TO ALL DEFENDANTS

Since most people are concerned about appearing in court, this information is offered to help you understand our municipal court procedure. This court has jurisdiction over traffic violations and non-traffic ordinance violations in the City of Onalaska, Villages of Bangor, Holmen, Rockland and West Salem and Towns of Campbell and Shelby. You have the 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 **cannot** provide you with a Public Defender. The Clerks can not and will not give legal advice. For assistance in locating a lawyer you can call the Lawyer Referral and Information Service line toll-free at 1-800-362-9082, Monday-Friday 7:00a-6:00p, sponsored by the State Bar of Wisconsin.

COURT CONDUCT

This is a court of law and the rules of proper decorum will apply. Please remain quiet while the court is in session. This is a courtesy to other defendants as well as the Court. Persons who fail to conduct themselves in an orderly manner may be cited for contempt. You are required to remove your hat and turn off/silence all electronic devices (cell phone, i-pod, mp3 players, etc.) in the court room.

INITIAL APPEARANCE

ANY DEFENDANT MUST UPON ENTERING THE COURT ROOM, CHECK IN WITH THE CLERK OF COURT!!

When you arrive, you will be asked whether you are pleading guilty or not guilty. In the event you plead not guilty, you will see the City Attorney to discuss a plea agreement or schedule the matter for a trial. If you plead guilty, the Judge will call you by name. When your name is called, please move promptly to a position in front of the bench. The Judge will then inform you of the charge or charges you are facing and of the consequences if you are convicted; i.e., traffic demerit points, minimum and maximum forfeitures, and any suspension or revocation of driving privileges.

Defendants who wish to plead Not Guilty will be seen by the respective municipality's attorney on a first come first serve basis. This is called a pre-trial hearing, and at this hearing, each defendant will have an opportunity to discuss his or her case with the attorney. The purpose of this hearing is to try and settle cases prior to trial.

If the plea is No Contest or Guilty, the Judge will give the defendant a reasonable amount of time to pay the forfeiture(s). Failure to pay the forfeiture(s) could result in the suspension of the driver's license for a period of two years or until the forfeiture is paid in full, a warrant could be issued for your arrest or the interception of your Wisconsin State Income Tax Return for the full amount of forfeiture(s) owed.

PLEAS

At the initial appearance, a defendant may enter on of the following pleas:

If you plead GUILTY, it is an admission of the charge(s) against you.

A plea of NO CONTEST means that you do not wish to contest the charge(s). Although such a plea will result in a conviction, the defendant will not be admitting any liability should there be a subsequent lawsuit for personal injury or property damage arising from the incident for which you were cited. An example of this would be a traffic accident. If you were the driver who was charged with failure to yield right-of-way, a No Contest Plea to the charge wouldn't be an admission by you that could be used in any lawsuit for damages arising from an accident.

When pleas of Guilty or No Contest are made, the forfeiture will be assessed against you. Before this is done, you will be given an opportunity to tell the judge about any mitigating circumstances surrounding the charge that might affect the amount of the forfeiture imposed.

If you plead NOT GUILTY, it means that you feel you have some legal defense to the charge or believe it is incorrect. If you are in doubt as to which plea to enter, you should plead Not Guilty or ask that your case be continued so that you can enter an informed plea.

TRAFFIC VIOLATIONS

If you have been found Guilty of a traffic offense, in addition to any judgment imposed by the court, the State Department of Transportation (DOT) may assess demerit point against your driving record, which may result in the suspension or revocation of your drivers license. The assessment of 12 or more demerit point in one year will 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.

DRUNK DRIVING CASES

If you are charged with Operating While Intoxicated (OWI) or with a Blood Alcohol Concentration greater than .10% and enter a Not Guilty plea, you have the right to request a trial in Municipal Court or a jury trial in the La Crosse County Circuit Court. To secure a jury trial, you must file a written request with the Coulee Region Joint Municipal Clerk of Court and submit the appropriate jury fee for a six-person jury within ten (10) calendar days of your initial appearance. If this is not done, you lose your right to a jury trial but are still entitled to a court trial before the Municipal Judge. If a proper jury trial demand is made, your case will be transferred to the La Crosse County Circuit Court. The Circuit Court Clerk will then notify you of your jury trial date.

JUVENILES

The Coulee Region Joint Municipal Court has jurisdiction over persons between 12 and 16 years of age. Persons who are 17 years of age are considered adults in Municipal Court matters. Juveniles have the same rights as adults with respect to pleas. Juveniles, that are 16 and under and have received an ordinance citation, have the right to a private (closed) hearing, but may waive this right. The forfeiture may be levied against a juvenile found Guilty of a traffic or non-traffic ordinance violation. If the juvenile fails to pay a traffic or non-traffic forfeiture, his/her drivers license may be suspended for a period of two (2) years or until paid in full. In addition, if the juvenile fails to pay a non-traffic forfeiture, a bench warrant can be issued for his/her appearance before the Municipal Court Judge.

TRIALS

It is the prosecutor (City Attorney) who bears the burden of providing the case against each defendant by clear, convincing and satisfactory evidence.

The prosecutor will produce its witnesses to testify as to the facts and circumstances surround 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. If you need to subpoena a witness for your defense, the Municipal Court Clerk will assist you.

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 judge will determine whether you are Guilty or Not Guilty.

If the judge finds you Not Guilty, you will be discharged and the citation will be entered as a Not Guilty finding. If you are found Guilty, the judge will impose the forfeiture, taking into consideration the seriousness of the violation. At this time, he will give you reasonable time to pay.

APPEALS

If you are found Guilty, you have the right to appeal your case to the La Crosse County Circuit Court. All appeals must be in writing and filed in the Coulee Region Joint Municipal Court Clerk's Office within 20 calendar days after the Guilty finding is entered. If you fail to meet this time limit, you lose your right to appeal. The appeal fee, forfeiture and costs must be paid in full upon filing the appeal.