

Trial

All trials, except juvenile cases, are public. You have the right to retain your own attorney, and to subpoena witnesses. At the trial you are presumed innocent and will be convicted only if clear, convincing, and satisfactory evidence is presented that you committed the charged violation. All witnesses must testify in person and under oath.

When your case is called, the Judge will inform you of the charges and of the consequences if you are found guilty; i.e., traffic demerit points, minimum and maximum forfeitures, costs etc. The prosecution will then produce its witnesses to testify 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 an opportunity to testify and will be subject to cross examination by the prosecution. The Rules of Civil Procedure and Evidence will be followed.

After all the evidence has been presented, the prosecution and defense will each have an opportunity to summarize their respective cases to the Court by a brief oral argument. Thereafter, the Court will decide, based on the testimony, the evidence and the Law, whether to find you guilty or not guilty. If the Court finds you not guilty, you will be discharged and the case against you will be dismissed. If you are

found guilty, the Court will impose a penalty, taking into consideration the circumstances surrounding the violation and your past record.

Relief from Judgment

Either party has a right to appeal a municipal court decision to the Vilas County Circuit Court, or may demand a new trial in the Circuit Court. However, pleas of no contest or guilty, or entry of a default judgment may **not** be appealed.

If you decide to appeal, you must do so by filing a written Notice of Appeal with this Court within 20 days of the date of your conviction (judgment). At the same time you must remit appellate fees payable to the Vilas County Clerk of Courts. New trials to the Circuit Court are tried without a jury, unless you request a jury trial in your Notice of Appeal. Upon payment of the appellate fee, jury fee, and the amount of your penalty, a 6 person jury trial will be calendared in the Circuit Court.

You may also have a right to file a Motion to Reopen a judgment entered against you. To do so, within 6 months of the judgment, you must pay a reopening fee in this Court. The motion will be scheduled on a trial court date when the prosecutor is present. A showing of "good cause" is necessary before a judgment will be reopened.

BY THE COURT:

Robert J. Berdan
Municipal Judge

TOWN OF PRESQUE ISLE

Municipal Court Procedure



Robert J. Berdan
Municipal Judge

Lorine Walters
Court Clerk

Municipal Court Office: PO Box 130
Presque Isle, WI 54557

Phone 715 686 2473 fax 715 686 2588

This brochure will help you understand the rules and procedures of this Court. It is hoped that your appearance in Presque Isle's Municipal Court will be a worthwhile learning experience for you.

The Court has jurisdiction over ordinance violations in the Town of Presque Isle, including youth ordinance violations of persons at least 12 years of age and less than 17 years of age, in which instance the Court's hearings shall be a private (closed) hearing.

This is a Court of Law and proper decorum is expected. All persons in attendance are requested to remove their hats, silence cell phones, and refrain from texting. Please be quiet and remove loud children or crying babies. Smoking is prohibited.

Since most people are unfamiliar with the operation of courts, I offer the following rules and procedures to help you understand how the Court functions. You have a right to be represented by an attorney, which I encourage you to do, or you may proceed without one. If you want an attorney, you must retain one at your expense. Because this is not a criminal court, the Court will not provide you with an attorney.

Initial Appearance

The return date on your citation is the date of your Initial Appearance. The Initial Appearance is primarily to take your plea to the alleged violation.

1. When your name is called, come forward to a position in front of the Judge.
2. The Court will inform you of the exact charge against you, the range of the possible penalties; and the Court will request that you enter a plea of either not guilty, guilty or no contest.
3. If this is your initial, scheduled appearance date, you have a right to request a continuance, which continuance may be used by you to retain or consult with your attorney.

Entering a Plea

GUILTY PLEA – If you enter a plea of guilty, you are admitting that you committed the offense; if the citation contains the necessary elements, you will be found guilty, and a penalty will be imposed.

NO CONTEST PLEA - If you enter a plea of no contest, you are neither guilty nor not guilty, but merely want to resolve the matter and pay the penalty. The effect of this plea is that you will be found guilty, but you will not be admitting your guilt for use in other litigation, which could occur if personal injury or property damage is involved.

NOT GUILTY PLEA - If you enter a plea of not guilty, you deny committing the offense, and the matter will be adjourned to a later date for either a Pre-Trial or a Trial to this Court.

If You are Found Guilty

If you are found guilty, you will be given an opportunity, if you wish, to make a statement, before the Court examines your conviction record and sets the penalties. Should you need time to pay the penalty – if you are unable to pay in full today – the Court may grant you a reasonable time to pay. If you fail to pay, the Court will set an alternative penalty of imprisonment in jail, or suspend your driving privileges (license). If you are unable to pay due to poverty, you must notify the Court and may be allowed to pay based upon a Court imposed installment payment plan.

Pre-Trials

If you plead not guilty, you may request that a Pre-Trial be conducted, at a later court date, so that you can discuss a possible settlement with the Prosecutor. You are not required to have a Pre-Trial, but if you do request one, your personal appearance is mandatory. The Judge does not participate in the Pre-Trial, nor does the Judge have to accept any negotiated resolution or amended charge which may result.

Failure to Appear

If you fail to appear at your scheduled Pre-Trial, or the Court Trial, the Court will either issue a warrant for your immediate arrest, or enter a Default Judgment against you.

No Jury Trials

For the types of cases handled by this Court, you are not entitled to a Jury Trial. All trials will result in a trial to the Court.