

CITY OF KENOSHA
Plaintiff,
vs.

NOTICE OF RIGHT TO APPEAL AFTER TRIAL

Defendant.

Case No. _____

On _____, you were found guilty after trial and judgment was entered. Wisconsin Statute 800.14 provides that you have the right to appeal that judgment to the circuit court of the county where the offense allegedly occurred. If you decide to appeal, you must provide written notice of your decision to do so with the municipal court and the prosecuting attorney, file bond as imposed by the Judge, and pay the statutorily required appeal fees and costs within 20 days from the above date. Time for filing an appeal cannot be extended by the municipal court judge.

You may satisfy all of the requirements above by choosing one of the three forms of appeal below, by completing and filing this notice and filing the court imposed bond and statutory fees and costs with this municipal court.

#1 - Transcript Review In this form of appeal, the court will provide a cd of the proceedings at the expense of the appealing party. A written transcript of the testimony found on the cd will then be produced *at the expense of the appealing party*. It, and all other evidence that was presented during the municipal court trial will be sent for review by a circuit court judge. A circuit court judge will read the transcript of the testimony and consider any exhibits that were introduced. Unless the circuit judge determines that the municipal judge's findings of fact were clearly erroneous, the decision will not be reversed. Please note that if the municipal attorney requests a New Trial (#2) within twenty (20) days of your request for a Transcript Review, this request will take precedence and there will be no transcript review.

#2 - New Trial Before Circuit Judge Without a Jury In this form of appeal, a new trial will be held at the county courthouse. Each side may bring as many witnesses as they like, even if those witnesses did not appear at the municipal court trial. The circuit court judge decides whether the defendant is guilty or not guilty based only on the evidence that is introduced at the new trial.

#3 - New Trial in Circuit Court Before a Six-Person Jury As in #2, a new trial will be held. However, although a circuit judge will preside over the trial, a jury will decide if the defendant is guilty or not.

NOTE: The statutes require that you must remit the total amount of the forfeiture plus all costs assessed against you as your bond, in addition to paying all costs associated with your chosen method of appeal within 20 days . If you cannot post the required bond or cannot pay the fees and costs of appeal within 20 days, you may request a signature bond and a waiver of the filing fees and costs. If you wish to have a signature bond approved or fees and costs waived based upon indigency, you must submit a Petition for Waiver of Fees and Costs(request document from clerk) within the same 20 day deadline.

TO: CITY OF KENOSHA MUNICIPAL COURT, 625 52nd Street, Room 97, Kenosha, WI 53140

I, the undersigned defendant, hereby appeal from the judgment of the municipal court entered on the date above. I agree to execute and comply with the bond as imposed by this Court, and I am including herewith the appellate filing fees appropriate to my request as noted below.

- ___1. **TRANSCRIPT REVIEW** (Include two checks or money orders, one payable to "Clerk of Courts" for \$129.50 and one payable to "City of Kenosha Municipal Court" for \$10 for preparation of the cd) Note: The appealing party must provide the Circuit Court with a *certified transcript*, prepared in accordance with all requirements of the Circuit Court, all costs of preparation to be paid by the appealing party. Money order or checks only. No cash.
- ___2. **NEW TRIAL BEFORE CIRCUIT COURT JUDGE WITHOUT A JURY** (Include check or money order payable to "Clerk of Courts" in the amount of \$144.50) Money order or checks only. No cash.
- ___3. **NEW TRIAL IN CIRCUIT COURT BEFORE A SIX-PERSON JURY** (Include check or money order payable to "Clerk of Courts" in the amount of \$180.50) Money order or checks only. No cash.

Dated: _____ Signature: _____

SEE REVERSE SIDE

Execution of Bond. – Defendants who appeal must execute a bond (cash or signature) to the Kenosha Municipal Court that if the judgment is affirmed he/she shall pay the forfeiture and all costs awarded on appeal.

Request for Waiver of Appeal Fees – A defendant claiming an inability to pay an appeal and/or jury fee may petition the Kenosha Circuit Court for a waiver of fees.

Stay of Judgment – Upon meeting the requirements for an appeal the execution of the judgment or order of the Municipal Court shall be stayed until the final disposition of the appeal.

Right of Non-Appealing Party – The non-appealing party also has the right within 20 days of the filing of the notice of appeal to request that the appeal be either a bench trial before a circuit court judge or a trial to a six person jury. If this party files for the latter trial option, he/she must post the \$36.00 jury fee before a six person jury. If such a request is made by the non-appealing party, they must post the \$36.00 jury fee.