

You are being provided with the following information regarding court rules and procedures to help you understand how the court functions as it relates to your initial appearance. Additional informational handouts are available for procedures that occur after the initial appearance.

APPEARANCES BY TELEPHONE

Any party that does not wish to appear in person may request that an appearance by telephone be scheduled. Simply call the Clerk of Municipal Court at (262) 653-4220 prior to the scheduled hearing to request the hearing be conducted by phone. If approved and an appearance is scheduled by phone, the defendant will provide a valid phone number for the court to call. The court will schedule a date and time for the call, and at the scheduled day and time the court will call the defendant at the number provided. The defendant must remain available to receive the call for at least one hour, beginning at the time the call is scheduled. The call from the court will appear as a blocked or private number on caller I.D. The defendant must answer the call. If a defendant should miss the call, the defendant should contact the Clerk of Municipal Court immediately, as failure to answer the call will result in the Defendant being found guilty by default.

ATTORNEYS

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 an attorney.

INITIAL APPEARANCE

At the initial appearance, the defendant must enter a plea. Only those cases where the defendant enters a Guilty or No Contest plea will be heard on that date. Where the defendant enters a Not Guilty plea, the case will be scheduled for a pretrial conference and if necessary a trial at a later date.

PLEAS

If a defendant pleads Guilty, it is an admission of the charges, the defendant will be allowed to speak, and the defendant will be found guilty.

If a defendant pleads No Contest, the defendant is not admitting any wrongdoing, will be allowed to speak, and will be found guilty. By declining to confess guilty, in a future civil lawsuit the plea of No Contest cannot be used against the defendant as a confession, where a plea of Guilty can be used as a confession.

Where pleas of Guilty and No Contest are made, the defendant and prosecuting attorney will be allowed to speak. A forfeiture(fine), demerit points against driving privileges, and potentially suspension or revocation of driving privileges are entered against the defendant. Certain specific offenses carry additional potential penalties that will be explained by the court.

A plea of Not Guilty means that the defendant believes that the charge is not correct. If in doubt as to which plea to enter, this court suggests a plea of Not Guilty or a request for an adjournment so the defendant can review the case and make an informed plea at a later date or retain an attorney. Upon a plea of Not Guilty, a pretrial conference will be scheduled to negotiate an acceptable resolution of the case between the parties. If the parties cannot resolve the matter at pretrial conference, a trial will be scheduled. In the event of a plea of Not Guilty to a citation for any form of Operating a Motor Vehicle while under the Influence of any intoxicant or controlled substance, the Defendant may request a Jury Trial by making written request and paying the required fees within ten (10) days of the initial appearance.

COURT PROCEDURE AT INITIAL APPEARANCE

When called, the defendant will advance promptly to a position in front of the bench. The defendant will be informed of the charges and of the consequences of the plea; i.e., traffic demerit points, forfeitures, suspension of driving privileges, etc. After a plea of Guilty or No Contest, the defendant will make a brief

statement and depending on the seriousness of the charge and any past record, the court will render judgment accordingly.

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, eating, drinking, loud voices, and cell phone/electronic device usage are all prohibited in the courtroom.

CHANGE OF ADDRESS AND PAYMENT OF FORFEITURES

All defendants must notify the court in writing within 5 days of any change of address during the pendency of their case. After a case is concluded the court recommends that all defendants keep their address current until all forfeitures are paid in full. All mailings and notices shall be sent to defendant's last known address even after cases are closed.

Forfeitures are payable within 60 days. The defendant may request a reasonable payment plan. If a defendant fails to pay the forfeiture and fails to make payment arrangements with the Clerk of Municipal Court's office, the defendant may be committed to jail up to ninety (90) days, may be subject to various forms of collections actions, and be subject to a driver's license suspension for up to one (1) year.

If because of poverty as defined in §814.29(1)(d) (receiving means-tested assistance or limited/no income) or unexpected circumstances, the defendant is either unable to pay the forfeiture or keep up with an installment plan, the defendant should notify the Court in writing prior to defaulting on the current plan. Reduction in payment plan, community service, or a temporary extension may be provided.

It is my sincere hope that through the information conveyed in this pamphlet, you are able to proceed with your case with sufficient knowledge and understanding of your rights and make informed decisions throughout the process. If you have questions or do not believe you understand your rights however, you should consult an attorney immediately.

By the Court,

MICHAEL M. EASTON
Municipal Judge