

CITY OF PRESCOTT, WISCONSIN

MUNICIPAL COURT APPEARANCE PROCEDURES

INITIAL COURT APPEARANCE:

An initial appearance for violation of traffic laws or municipal ordinances is held at 4:30 P.M, and juvenile initial appearances are held at 4:00 P.M. The court date assigned to your case will be specified on the top or left side of the citation, and if your attendance is mandatory or not.

Juvenile court is strictly confidential, and the matter is held in closed court. Generally, only the parents/guardian of the juvenile and an attorney are allowed to be in court while it is in session.

WHEN YOU ARRIVE:

When you arrive in court, you should put your name on the sign-up sheet, as this will allow the court clerk to know if you are there to appear for your case and you should be called. Then have a seat and wait for your case to be called.

WHEN YOUR CASE IS CALLED:

When your name is called, please take a seat in front of the Judge. The court will give a short synopsis of the incident for which you are charged. The court will then ask you for a plea on the charges against you, of either;

Guilty, Not Guilty, No-Contest.

The judge will not hear you argue your case against the citation at your initial appearance. He may ask you questions in regards to your case only after you have made your plea.

IF YOU PLEAD GUILTY OR NO-CONTEST:

Guilty: Admitting to committing the violation

No-Contest: Not admitting to the violation but allow the court to find guilt

When you plead guilty you are telling the court that you admit to guilt on the charge(s) and if you plead no-contest it means you are saying you are not guilty but you know that there is enough evidence to convict you. The judge will then find you guilty on the charge(s) and will impose any forfeiture and/or other court ordered programs, etc.

IF YOU PLEAD NOT GUILTY:

Not Guilty: Denying, in whole or in part, committing the violation

When you plead not guilty a pre-trial conference will be scheduled in the future. A letter will be sent to you from the court clerk after the initial appearance date has passed, with the pre-trial date and time. A pre-trial conference is where you as the defendant, along with your Attorney if you have one, meet with the City Attorney to discuss the matter with each other to see if the matter can be resolved. If the matter cannot be resolved, then a trial by judge will be scheduled.

HOW DO I ENTER A NOT GUILTY PLEA:

NOT GUILTY PLEAS MUST BE IN YOUR HANDWRITING

You may enter a plea by: mail, email, or personally dropping off your plea to the municipal court at least one week prior to your initial appearance date on your citation, or you may plead not guilty in person at your initial appearance. Along with your not guilty plea, you must also include: your name, current address, current phone number, and your date of birth.

FAILURE TO APPEAR:

If you fail to appear on a non-mandatory appearance charge, the court will find you guilty by default and you will be required to pay the forfeiture in full. If you fail to appear on a charge which your appearance is mandatory, the court will not re-schedule, you will be found guilty by default, and you will have 60 days to pay the forfeiture due. If this is not done, your drivers' license will be suspended for up to 2 years, and a writ of commitment will be issued.

FAILURE TO PAY FORFEITURES:

If you were ordered to pay a forfeiture by the judge, and you fail to do so or fail to comply with the payment plan requirements within 60 days, you will be brought back for an Indigency Hearing where your drivers' license may be suspended for up to 2 years, and a writ of commitment may be issued for your arrest.

TRIAL INFORMATION

WHAT HAPPENS AT TRIAL:

Each municipality retains an attorney to represent its interest, commonly referred to as the "City Attorney." The municipality has the burden of proving the violation(s) by clear, satisfactory and convincing evidence. The municipality will present their side of the case first. This usually involves calling witnesses and presenting other types of evidence, such as documents, photographs, or maps. The municipality may call you to testify as a witness in their case. You will have an opportunity to question the municipality's witness(es). Your questions should be limited to the facts of the case and not arguments about the case. Once the City has presented their side of the case, you will have the opportunity to call witnesses and present evidence if you so choose. You may testify on your own behalf. The municipal attorney is entitled to question your witness(es), including yourself if you testify.

After the municipality and you have presented your cases, each party is given the chance to make a closing argument. The municipal attorney makes the first closing argument, and then you have an opportunity to make a closing argument. The municipality has another chance to argue their position after that because they have the burden of proof in the case. After closing arguments, the judge considers all the admissible evidence and applies that evidence to the municipal ordinance(s) that form the basis for the charge(s) to determine whether you are guilty or not guilty of the violation(s).

WHAT INFORMATION CAN I GET ABOUT MY CASE:

If you want copies of the police reports to prepare for the trial, you need to request those reports in writing from the Prescott Police Department immediately after your pre-trial as it will take at least one week to prepare your' report. *There is a .50 fee per page charged for this service; rush service will be extra.*