

MUNICIPAL COURT  
VILLAGE OF COLEMAN  
STATE OF WISCONSIN

Hon. Clifford Patz  
Municipal Judge

Most people in Wisconsin have their first court experience at the municipal court level. It is for this reason that we would like to outline the basic procedures of the Courtroom. It is important that you understand your rights and responsibilities.

#### INITIAL APPEARANCE

The initial appearance is a time for the Court to receive a plea to the charge(s) against you. It is important that you understand the charge, the penalties you would face if found guilty, and your options in making a plea. This is not the time of trial. This is not the time for the sharing of evidence and/or testimony that you may need to use in your defense.

When your case is called come promptly to the podium it is important that you make a plea to the charges against you. If you do not feel prepared to make a plea you have the Right of Continuance. If you ask for a continuance one will be granted and you may come to Court next month to make your plea. If you are charged with an OWI offense you have the right to move this to Circuit Court without having a trial in Municipal Court. If this is your desire, express it when you come to the podium. Your plea options are “not guilty”, “guilty”, or “no contest”.

**Not Guilty:** By making this plea you are asking for a trial. Your request will be granted. You will be required to contact the Village Attorney at least ten days prior to the trial date. Failure to do so will result in a default judgment being made against you. This conversation will allow the Village Attorney and you to understand the arguments and/or evidence that will be used in the trial. It is hoped that you can reach a plea agreement with the Village Attorney. If this is done it will be presented to the Judge for approval. If it is accepted there will be no need for a trial.

**Guilty:** By pleading guilty you are admitting that the charge is correct. The Court may view the officer's report to determine the seriousness of the offense. You will be allowed to inform the Court of any extenuating circumstances. After that, the Court will impose a penalty in accordance with the law.

**No Contest:** Municipal Court will treat this plea the same as a plea of guilty. This plea does not deny the charge nor admit to it. The judgment is left with the Judge who is instructed, by law, to find the defendant guilty when this plea is made. If the situation surrounding the citation caused personal injury or property damage a no contest plea cannot be used against you in Circuit Court. A plea of guilty can be used against you.

If you are in doubt about which plea to make, do not hesitate to say “not guilty”.

If you plead guilty or no contest and are unable to pay, the Court will grant you time to pay. If you fail to pay in the designated time period your driving privileges can be suspended for up to two years, or (if you are over seventeen) you may be committed to the County Jail.

## RESPONSE TO A SUMMONS:

In most cases a summons is issued by the Coleman Municipal Court to bring a defendant to Court who has been found guilty of an offense, has been given time to pay the fine and/or restitution but hasn't paid to date. Prior to issuing a writ of commitment to the county jail (being jailed until the fine is paid or serving jail time at a rate of \$25.00 per day that is applied toward the fine) or suspending the drivers license for two years, the Court wants to know if there is a good reason why the fees haven't been paid. Also taken into consideration is the defendants' ability to pay and/or their intent to pay.

Any agreement for payment will be binding. Missing a payment deadline will result in either a writ or suspension being issued. Consequently, any details of payment will be very important.

## TRIAL

You have the right to hire an attorney or you may represent yourself. While there is a prescribed procedure in a trial the Court tries to be sure that the unrepresented defendant is not at a disadvantage. Most defendants represent themselves in Municipal Court. You have the right to call witnesses on your behalf. The Court can subpoena them if they will not come voluntarily. During the trial you may testify on your behalf but you do not have to testify. The losing side may appeal the final decision to Circuit Court.

The trial procedure is as follows:

1. The prosecution (Village) will produce its witnesses to testify to the facts and circumstances surrounding the citation.
  - a. You (or your attorney) will be allowed to cross-examine each witness.
2. When the prosecution has completed its case you and your witnesses will be given the opportunity to testify on your behalf.
  - a. The prosecution will be allowed to cross-examine each witness.
3. The prosecution will then make a final statement of its case.
4. You (or your attorney) will be allowed to make a summary of your case.
5. The Court will then make its determination as to innocence or guilt.
  - a. If you are found not guilty the complaint against you will be dismissed unless the Village chooses to appeal the decision to Circuit Court.
  - b. If you are found guilty the Court will impose a penalty based on the seriousness of the violation, the danger involved and your past record. The decision may be appealed to the Circuit Court. The Judge can explain your options in making an appeal.