

### INITIAL APPEARANCE

*This may be your first visit to this Court, and it is our desire that you will be fully advised of your rights and the Court's procedures. The Initial Appearance session of the Court is primarily for the purpose of taking your plea to the alleged violation of the law.*

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

### ENTERING A PLEA

1. If you enter a plea of *GUILTY*, you are admitting that you committed the offense, and if the arrest report contains the necessary elements, you will be found guilty and a penalty will be imposed.
2. If you enter a plea of *NO CONTEST*, you are neither pleading guilty nor not guilty, but merely want to have the matter resolved and pay the penalty. The effect of this plea is that you will be found guilty, but you will not be admitting your civil liability for possible use in other litigation, which may occur where personal injury or property damage is involved.
3. If you are convicted, you will be given an opportunity, if you wish, to make a statement, before the Court sets the penalties.
4. If you enter a plea of *NOT GUILTY*, you deny committing the offense, and the matter will be adjourned either today or a later date for a pre-trial conference and possibly a Court trial.

### PRE-TRIALS

If you plead not guilty, a Pre-Trial conference will be conducted today or at a later date, so that you can discuss possible settlement with the Prosecutor. Your personal appearance is mandatory in the Pre-Trial. The Judge does not participate in the Pre-Trial hearings, nor does he have to accept any negotiated or amended charge.

### TRIAL

If you desire an attorney, you must retain one at your own expense. This Court will not be able to provide you with an attorney. An attorney can explain your rights, and assist you. We urge you to retain your own attorney.

All trials, except non-traffic juvenile cases are public trials. You have the right to retain your own attorney, and to subpoena witnesses. You are presumed innocent and will be convicted only if evidence is clear, satisfactory, and convinces the judge to a reasonable certainty that you committed the violation with which you have been charged. All witnesses must testify in person, and under oath.

The prosecution will produce its witnesses to testify as to the facts and circumstances surrounding your alleged violation. You or your lawyer will be permitted to cross-examine each witness who testifies.

When the prosecution has completed its cases, you (or your attorney) will be able to present your case with testimony and/or witnesses surrounding the alleged violation. The Attorney for the municipality will be permitted to cross-examine each witness who testifies.

When you and the municipality have completed your cases, each will be given the opportunity to summarize, by brief argument, your respective case to the Court. Thereafter, the Court will decide, based upon 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 complaint against you will be dismissed. If you are found guilty, the extent of the penalty is dependent upon the circumstances surrounding the violation and your past record. The forfeiture amount may be higher or lower than the amount listed on your citation.

### FAILURE TO APPEAR

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

### JURY TRIALS

Only if you have been charged with the offense of Operating a Motor Vehicle While Under the Influence of an Intoxicant or controlled substance, are you entitled to a *JURY TRIAL* on a plea of not guilty. You must file a written request with the Court at 211 N. Grant Street, Rosendale, WI 54974, for a jury trial within ten(10) days of your initial appearance, post the jury fee, and post your bond. Failure to comply with the above will result in a trial to this Court.

### RELIEF FROM JUDGMENT

1. Either party has a right to *APPEAL* a Municipal Court decision to the Circuit Court, or may have a new trial in the Circuit Court.

If you decide to appeal, you must do so by filing a written *NOTICE OF APPEAL* with the Municipal Court and the municipality within twenty (20) days of the date of your conviction (judgment).

At the same time, you must remit appellate fees Payable to "Clerk of Courts". New trials in 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, you will then receive a jury trial in the Circuit Court.

2. You may have a right to file a MOTION to RE-OPEN a judgment within six (6) months of your judgment only for good cause, and upon payment of the re-opening fee of up to \$300.00.

#### **PROBATIONARY LICENSES**

If you hold a GDL license, points will double the standard number of points assigned to your violation, on the second and subsequent conviction. There will be a six (6) month suspension for an accumulation of 12 points in a twelve (12) month period.

#### **OCCUPATIONAL LICENSES**

You may be eligible to file a Petition with the Department of Transportation for an Occupational License. Petitions are available from the Department of Transportation.

#### **SUSPENSION OR REVOCATION OF YOUR DRIVERS**

##### **LICENSE**

If your driving privileges are suspended or revoked for any reason, you must pay a fee to reinstate your driving privileges at the Department of Transportation.

#### **FAILURE TO PAY FORFEITURE**

There may be serious consequences if you fail to follow the Court's orders or pay the forfeiture. The Court may commit a person to JAIL for not more than ninety (90) days; or the Court may order a SUSPENSION of your DRIVER'S LICENSE for a maximum of one (1) year, or until the forfeiture is paid. If you are unable to pay the forfeiture because of poverty (as defined under §814.29(1)(d)), you must contact the court to arrange an installment payment plan. Failure to make an ordered installment payment terminates the agreement and the court will proceed with options listed for failure to pay forfeitures. The Court may send you notice requiring your appearance at a GOOD CAUSE HEARING. We are members of the Department of Revenue State Debt Collection and Wisconsin Tax Intercept Program to assist in the delinquent payment process.

#### **GENERAL RULES**

This Court has jurisdiction over traffic and non-traffic ordinance violations that occurred in the Village of Rosendale in Fond du Lac County.

This is a Court of Law. We request that you remove your hats and turn your cell phones off out of respect for the Court, and that you refrain from smoking. Please be quiet, and remove loud children or crying babies. Please respect the rights and needs of others.

We offer this brochure of rules and procedures to help you understand how the Court functions. We wish to leave a lasting, positive impression on each of you, regarding our country's system of justice.

In conclusion, whether you are found not guilty or guilty, the Court would like to impress upon you the necessity for all of us to voluntarily observe all laws. Each of us desires to make our roads safer places to drive, and our communities better places to live and work. Thank you very much.

#### **PAYMENT METHODS**

If paying in person, contact the Court for office hours. If you deposit the amount by mail, please enclose a copy of your citation, along with cash, check, cashier's check or money order made payable to: Rosendale Municipal Court. To pay by credit, debit or E-check, go to [www.villageofrosendale.com](http://www.villageofrosendale.com) and click on the Municipal Court tab and click on the Point & Pay link.

#### **Remember:**

**Your driver's license  
is a *privilege*,  
not a right.**

## Rosendale Municipal Court

### Procedure



**Mark Simon  
Municipal Judge**

Court office is located at:

211 N. Grant Street  
P.O. Box 284  
Rosendale, WI 54974

Phone: 920-872-2441

*e-mail:* [amccarthy@villageofrosendale.com](mailto:amccarthy@villageofrosendale.com)