

**MUNICIPAL COURT
PROCEDURE
FOR THE
CITY OF LAKE GENEVA**



Municipal Court Office
626 GENEVA STREET
LAKE GENEVA, WI 53147

Phone: (262) 248-4651

Fax: (262) 248-4278

Email: lgcourt@genevaonline.com

Monday – Friday
8:30 a.m. – 5:00 p.m.

Henry A. Sibbing
Municipal Judge

INITIAL APPEARANCE

Court begins promptly at the time indicated on your citation - please do not be late. It is recommended that you arrive early, as cases are seen on a first come, first serve basis. Juvenile and Adult Court proceedings are held on separate nights.

The appearance date on your citation is for a plea only. If YES is checked under "Is this a mandatory Court Appearance?" You must appear in court on the date and time indicated on your citation. For most traffic citations and ordinance violations, court appearances are not mandatory. All juvenile hearings require a mandatory appearance and juveniles must appear with a parent or guardian. Failure to appear will result in a guilty finding and a monetary forfeiture will be assessed.

If NO is checked, you do not have to appear. If you do not wish to dispute the citation, simply mail in the forfeiture amount indicated on the citation. However, if you wish to dispute this citation you may appear in court on the date and time indicated on your citation to enter your plea. You may also enter a plea in writing or by mail before your scheduled initial appearance date.

It is necessary to advise the court of address changes as any correspondence will be mailed to the address listed on your citation.

CONTINUANCE

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. You may request one continuance either in writing or by phone. If you wish to continue this matter a second time, a written request must be submitted to the Judge for approval. Typically, the Court will not grant more than one continuance without good cause. It is not necessary to request a continuance if you only want time to pay the citation. If you do not appear, you will be found guilty by default. You will automatically be given sixty (60) days in which to pay the citation(s).

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 of a forfeiture plus costs will be imposed.
2. If you enter a plea of **NO CONTEST**, the matter will be treated the same as a guilty plea. However, you will not be admitting your civil liability for possible use in other litigation, which may be expected where personal injury or property damage is involved.
3. If you are convicted, you will be given an opportunity, to make a statement before the Court examines your conviction record and orders any penalties.
4. Should you need time to pay the penalty – if you cannot pay in full right away – the Court may grant you a reasonable amount of time to make payment. If you fail to pay as ordered, the Court may set an alternative penalty of imprisonment in jail, suspension of your driving privileges (license), send the matter to a collections service and/or intercept your Wisconsin tax return.
5. If you enter a plea of **NOT GUILTY**, you deny committing the offense, and the matter will be adjourned to a later court date for a pre-trial conference and possibly a Court trial. Not Guilty pleas will also be accepted in writing by mail or by fax on or before your court date. You will receive written notification of a pre-trial hearing date in person or by mail after your Not Guilty plea is entered.

PRE-TRIALS

If you plead not guilty, a pre-trial conference will be conducted either the same day or at a later date, so that you can discuss possible settlement with the City Attorney. It is the responsibility of the City Attorney to determine whether or not the charge is justified, and to attempt to reach an agreement with you. If you reach an agreement, the City Attorney will give you a completed "stipulation form" stating the terms of the agreement that will be presented to the judge for approval. The Judge does not participate in the pre-trial hearings, nor does he have to accept any negotiated or amended charge. If you mailed or faxed a not guilty plea, do not appear for court on the

date written on your citation. You will be notified by mail with a new appearance date for a pre-trial hearing.

TRIAL

If you do not reach an agreement at the Pre-Trial conference, your case will be scheduled for a 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 with your case.

JUVENILES

The Municipal Court has jurisdiction over persons between 12 and 17 years of age. Juveniles have the same rights as adults with respect to pleas. They also have a right to a private (closed) hearing, but may waive this right. Please be aware that if a closed hearing is requested, your case will not be heard until the end of the court call. A parent or guardian is required to appear for all mandatory Juvenile appearances. A forfeiture may be ordered against a juvenile found Guilty of a traffic or non-traffic ordinance violation. If the juvenile is found Guilty of a non-traffic ordinance violation, a forfeiture will be ordered with an alternative number of community service hours. If the juvenile fails to perform the community service or to pay the forfeiture, his/her driver's license may be suspended for a period of two (2) years, or until paid in full. If the offense is alcohol related, the driver's license of the defendant may also be suspended for a period of time in addition to the forfeiture ordered.

OPERATING WHILE INTOXICATED JURY TRIALS

Only if you have been charged with the offense of Operating a Motor Vehicle while Intoxicated (OWI / PAC / OCS), are you entitled to a JURY TRIAL at Circuit Court on a plea of not guilty. You must file a written request for a jury trial within ten (10) days after entry of a plea, post the jury fee, and post your bond. Failure to comply with the above will result in a trial in this Court.

FAILURE TO APPEAR

If you fail to appear at your scheduled initial appearance, Pre-Trial conference or Trial, the Court will enter a Default Judgment against you.

RELIEF FROM JUDGMENT

Either party has a right to APPEAL a Municipal Court decision to the Walworth County Circuit Court, or may also request to have a new trial in the Circuit Court.

If you decide to appeal a decision in the municipal court, you must do so by filing a written NOTICE OF APPEAL with the Municipal Court 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, Walworth County". 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.

You may have a right to file a written MOTION to RE-OPEN a judgment, within six (6) months of your judgment date. There will be an additional cost ranging from \$0 to \$300 per Wisconsin State Statute 814.07. Your request must be accompanied by a deposit of \$25.00 in cash, check, or money order. Should your request be denied, this amount will be refunded.

PAYMENT METHODS

Payment can be made in person at the Court office between the hours of 8:30 a.m. and 5:00 p.m., Monday through Friday. Payments may also be made anytime at the City of Lake Geneva Police Department with proper paperwork. Acceptable methods of payment in person are cash, check, cashier's check, money order or Visa or MasterCard.

If you deposit the amount by mail, please enclose a copy of your citation, along with check, cashier's check or money order made payable to: City of Lake Geneva Municipal Court. Credit card payments will not be accepted over the phone.

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 send you notice requiring your appearance at a GOOD CAUSE HEARING. The Court may commit a person to JAIL for not more than ninety (90) days; the Court may order a

SUSPENSION of your DRIVING PRIVILEGES for a maximum of two (2) years, or until the forfeiture is paid; the Court may send this matter to a COLLECTIONS firm to assist in the delinquent payment process or may intercept your Wisconsin tax return.

If you are unable to pay the amount in full within 60 days or your scheduled initial appearance date, you may request a payment plan or an extension of time to pay. Please explain in a letter to the Judge why you need the extension, how much time you need, and if you want to be put on a payment plan and how much you can afford to pay per week or month. Any requests for extensions MUST be made prior to the due date.

DEMERIT POINTS

If you are found guilty of a traffic violation, you may have demerit points assessed to your driving record. The court will report the conviction to the Department of Transportation. They will assess the number of demerit points against your record, depending on the charge. If you accumulate 12 or more points in one year by date of violation(s), your driver's license will be suspended or revoked. To find out how many points you have accumulated, you must contact the Department of Transportation at (608) 266-2261 or visit www.dot.wisconsin.gov.

TRAFFIC SAFETY SCHOOL

If you wish to reduce your demerit points on your driving record, you may attend an approved traffic school, one of which is conducted at Gateway Technical College. This procedure does not apply if your current violation results in revocation or suspension, or if school was ordered in lieu of revocation for operating under the influence. Application for point reduction school can be made at any state vocational school.

PROBATIONARY LICENSES

If you hold a probationary license, instruction permit, or no license when the conviction is entered on the record, points will be doubled for any second and subsequent convictions, except for convictions under Chapter 347 of the Wisconsin Statutes, which are primarily vehicle equipment violations. A suspension will be assessed by the Department of Transportation 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 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.

GENERAL RULES

This is a Court of Law. We request that you remove your hats, silence your cell phones and remain quiet until your name is called.

We offer this brochure of rules and procedures to help you understand how the Court functions. Our Court Staff is happy to answer any procedural questions you may have about how the court may handle your case. However, we cannot offer legal advice, make recommendations about your case or recommend an attorney.

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