

# TOWN OF SALEM

## Municipal Court Procedure



**MICHAEL A. LANGEL**  
**Municipal Judge**

Judy Grasser \_\_\_\_\_ Court Clerk  
Richard Scholze \_\_\_\_\_ Town Attorney

Municipal Court: Salem Town Hall  
9814-Antioch Road  
P.O.Box 443  
Salem, WI 53168

Town Hall: (262) 843-2313  
Court Clerk: (262) 843-2313

### **Ladies and Gentlemen:**

Since most people are concerned about appearing in Court, I offer the following rules and procedures to help you understand how the Court functions. This Court has jurisdiction over non-traffic ordinance violations in the Town of Salem. You have a right to be represented by an attorney, or you may go ahead without one. If you want an attorney, **you** must retain one at **your** own expense. The Court will not provide you with an Attorney, regardless of your economic status.

## **COURT CONDUCT**

This is a Court of law and the rules of proper decorum will apply. Please remain quiet while the Court is in session. This is a Courtesy to other defendants as well as the Court. Persons who fail to conduct themselves in an orderly manner shall be cited for contempt and fined up to \$50 for each offence.

## **INITIAL APPEARANCE**

When your name is called by the Court Officer, please move promptly to a position in front of the bench. The Judge will then inform you of the charge or charges you are facing and of the consequences if you are convicted.

Defendants who plead Not Guilty will be assigned a pretrial date. In most cases, this will happen immediately after the last case during this Court Session. At the pretrial hearing, each defendant will have an opportunity to discuss his or her case with the Town Attorney. The purpose of this hearing is to try and settle cases prior to trial. If you fail to appear at the pretrial hearing set for you by the Court, default judgment will be entered against you.

Defendants who plead Guilty or No Contest will be given an opportunity to make a brief statement. The Judge will then review the police reports and, depending on the seriousness of the present charge and any prior record of relevant offenses, impose an appropriate forfeiture (fine). Payment of a fine may be deferred for a reasonable time (up to 60 days) if requested by the defendant. If you fail to pay your forfeiture, and do not appear at the extension time, you may be committed to jail, or in some cases have your driver's license suspended for up to two (2) years.

## **PLEAS**

At the initial appearance, a defendant may enter one of the following pleas:

- If you plead **GUILTY**, it is an admission of guilt to the charge or charges against you.
- A plea of **NO CONTEST** is similar to a plea of Guilty and I will treat it the same as a guilty plea. However, you will not be admitting your civil liability for use in other litigation, which should be expected where personal injury or property damage is involved.
- Where pleas of Guilty and No Contest are made, a money judgment (forfeiture) will be assessed against you. Before this is done, you will be given an opportunity to tell me about any mitigating circumstances surrounding the charge.
- If you plead **NOT GUILTY**, it means that you feel you have some defense to the charge or believe it is not correct. If you are in doubt as to which plea to enter, you should plead Not Guilty.

## **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. A forfeiture may be entered 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 imposed with an alternative number of community service hours. If the juvenile fails to perform the community service or to pay the forfeiture, his/her license may be suspended for up to two (2) years. If the offense is alcohol related, the driver's license of the defendant may also be suspended.

## **TRIALS**

It is the prosecutor (Town Attorney), who bears the burden of proving the case against each defendant by clear, convincing and satisfactory evidence. The prosecution will produce its witnesses to testify as to the facts and circumstances surrounding your case. You or your lawyer will be permitted to cross-examine each witness. When the prosecution has completed its case, you and your witnesses will be given the opportunity to testify and will be subjected to cross-examination by the prosecution.

After all the evidence has been presented, the prosecution and the defense will be given an opportunity to summarize their respective cases to the Court through brief argument. Thereafter, the Court will determine whether you are Guilty or Not Guilty.

If the Court finds you Not Guilty, you will be discharged and the complaint against you dismissed. If you are found Guilty, the Court will impose a penalty, taking into consideration the seriousness of the violation and your past record. If necessary, you may have up to sixty (60) days to pay the forfeiture and costs.

## **APPEALS**

If you are found Guilty after trial, you have the right to appeal your case to the County Circuit Court. All appeals must be filed in writing to the Municipal Court office within twenty (20) days after a Guilty finding is entered. If you fail to meet this time limit, you lose your right to appeal. The appeal fee, forfeiture and costs must be posted upon filing the appeal. You have the right to a 6- person Jury Trial on appeal, upon payment of appropriate fees.

It is hoped that your appearance in Municipal Court will be a beneficial learning experience for you.

## **BY THE COURT:**

**Michael A. Langel**  
Municipal Judge