

TOWN OF SALEM

Municipal Court Procedure

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 Judge will determine whether you are Guilty or Not Guilty.

If the Judge finds you Not Guilty, you will be discharged and the citation dismissed. If you are found Guilty, the judge will impose a forfeiture, 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, you have the right to appeal your case to the Circuit Court. All appeals must be filed in writing in 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 Jury Trial on appeal, upon payment of appropriate fees.

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

BY THE COURT:

Michael A. Langel
Municipal Judge



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

Court Phone: (262) 843-2759
Court Fax: (262) 843-1468

Since most people are concerned and somewhat apprehensive about appearing in court, I offer this brochure to help you understand court procedure. 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 cannot provide you with a Public Defender, 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 may be cited for contempt.

It is my desire that every party receives fair treatment and due process of law. I wish to leave a lasting, positive impression on each of you, regarding our country's system of justice.

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, you may be committed to jail for up to ninety(90) days or 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** means that you do not wish to contest the charge or charges against you. Although such a plea will result in your conviction, you will not be admitting any liability should there be a subsequent lawsuit filed in a Circuit Court for personal injury or property damage arising from the incident for which you were cited. An example of this would be a traffic accident. If you were the driver who was charged with failure to yield the right-of-way, a No Contest plea to this charge is not an admission of guilt, and could not be used against you in any lawsuit for damages arising from the accident.
- When pleas of Guilty or No Contest are made, a forfeiture (fine) will be assessed against you. Before this is done, you will be given an opportunity to tell the Judge about any mitigating circumstances surrounding the charge which might affect the amount of the forfeiture imposed.
- If you plead **NOT GUILTY**, it means that you feel you have some defense to the charge or believe it is incorrect. 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. (Continued on back page)