

The Municipal court has jurisdiction over traffic and non-traffic ordinances that occur within the Town of Dunn.

Due to Covid 19, and consistent with the spirit of the Wisconsin Supreme Court's order directing that lower courts use technology instead of holding in-person court appearances, the Town of Dunn Municipal Court will be conducting Initial Appearance Hearings by alternate means on the date indicated on your citation. Please do **not** physically appear in court on that date - the building will **not** be open.

Instead of an in-person appearance, you have the following options:

1. You may do nothing. A default judgment would then be entered against you on the citation. You will receive a copy of the judgment with payment information by mail.
2. You may pay your citation prior to the initial appearance date. A default judgment would be entered against you on the citation.
3. You may enter a plea in writing, so that it is received by the Court **prior** to the scheduled initial appearance date. You may enter your plea via mail, email (azacharias@town.dunn.wi.us) or fax 608-838-1085.
If you are submitting a plea in writing, please keep in mind that the Court requires that you include an official signature on the document. You may enter a plea of Guilty, Not Guilty or No contest.

a. GUILTY OR NO CONTEST PLEA

If you plead GUILTY, it is an admission of the charges against you.

If you plead NO CONTEST, it is similar to a plea of Guilty, as the Municipal Court will treat it the same as a Guilty plea. However, you will not be admitting your civil liability for use in other litigation, which may occur where personal injury or property damage is involved.

If you plead either Guilty or No Contest in writing, you may include in your written submission any facts or mitigating circumstances that you would like the Court to consider prior to entering judgment against you. After considering the citation and information you provide, including the seriousness of the present charge and any past record, the Court will then enter a judgment against you and notify you of the result in writing. The sentence will likely include a forfeiture plus court costs. Forfeitures are typically payable within 30 days.

b. NOT GUILTY PLEA

If you plead NOT GUILTY, it means that you are contesting the charge. A telephonic pre-trial conference will be scheduled to give you an opportunity to discuss your case with the Town Attorney. If you resolve the case with the Town Attorney, your agreement will be submitted to the Court for review. If you do not reach a resolution, the case will be scheduled for a trial at a later date. **Do not provide the Court with any information about the circumstances of the case if you are pleading Not Guilty.**

4. You may file a request for a **continuance** in writing prior to the hearing, and the Court will re-schedule the hearing for a later date.

5. If you prefer to appear before the court, you may do so on the date and time indicated on your citation by videoconference. If you wish to appear via internet connection, please visit the following site, selecting your court date: townofdunnwi.gov/municipal-court

If needed, please be sure that you have downloaded the necessary software. Please be sure that you are able to participate on the call promptly at 4:00 p.m. Court will begin with some introductory remarks. Then, each participant will be called on individually to enter a plea. Please keep your microphone muted or do not speak, until it is your turn, in order to avoid interfering with the other cases.

6. If you would like to have an Initial Appearance Hearing, but do not have an internet option on your phone or your computer, you may call the Court Clerk before the initial appearance date to request your Initial Appearance Hearing by telephone, and provide the court with your phone number. If you request a telephone appearance, you **must** be available to

answer your phone on the day of court between 4:00 p.m. to 5:30 p.m. If you request this option and do not answer your phone, you will be defaulted.

You may hire an attorney at your own expense to represent you on your case, or you may go ahead without one. The court will not provide you with a Public Defender.

If your ticket relates to a violation of Wisconsin Statutes 346.63 (OWI), you may request a jury trial. If you request a jury trial, the case will be transferred to Circuit Court. To obtain a jury trial, you must make a written request for a jury trial within ten (10) days of the date of your initial appearance. Your payment of the jury fees (\$36.00 for a six person jury) must accompany your written request.

TRAFFIC VIOLATIONS:

If you are found Guilty of a traffic offense, in addition to any judgment made by the court, the State Department of Transportation may assess demerit points against your driving record, which may result in the suspension or revocation of your driver's license. The assessment of 12 demerit points in one year will result in the loss of your license. Any person holding a probationary license will be assessed additional demerit points for the second and all subsequent violations. Juveniles cited for traffic ordinance violations are subject to the same forfeitures and court procedures as adults.

JUVENILES:

The Municipal Court has jurisdiction of persons between 12 and 17 years of age charged with non-traffic ordinance violations. 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 juvenile found guilty of a non-traffic ordinance violation may have a money judgment entered against them, have their driver's license suspended, or incur other sanctions.

TRIALS:

It is the prosecution that 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 subject 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 totality of the circumstances, including the seriousness of the violation and your past record. If necessary, you may have time to pay.

APPEALS:

If you contest your case, you have the right to appeal the results of the case to the Circuit Court under Wisconsin Statute 800.14. All appeals must be filed in writing within the time frame laid out by the statute. If you fail to meet this time limit or other statutory appeal requirements, you have lost your right to appeal.

RESTITUTION:

The Municipal Court, in addition to ordering any payment authorized by law, may order a defendant to make full or partial restitution to any victim as stated in State Statute 800.093.

PAYMENT:

You may pay your forfeiture via mail or by credit card. Credit card options are on-line at www.allpaid.com, Pay Location Code of 8430, or by phone 888-604-7888. If you are unable to pay the forfeiture, costs, fees, or surcharges due to poverty, you may request an installment payment plan, community service, or a stay of the judgment in writing. Failure to pay the judgment may result in **a commitment to jail**, suspension of your Driver's License, tax intercept or entry of your name into the State Debt Collections Program.

DMV:

If you have questions about the status of your license, you should call the Division of Motor Vehicles directly at 608-264-7447 or visit wisconsindot.gov for more information.

CHANGE OF ADDRESS:

You must notify the court in writing within 5 days of any change of your address during the pendency of your ticket.