

PLEASE READ THIS PAMPHLET IN ITS ENTIRETY PRIOR TO THE COURT DATE ON YOUR CITATION. THIS PAMPHLET IS INTENDED TO PROVIDE BASIC INFORMATION ABOUT MUNICIPAL COURT PROCEDURES. THIS PAMPHLET IS NOT INTENDED TO PROVIDE LEGAL ADVICE. IF YOU BELIEVE THAT YOU NEED LEGAL ASSISTANCE, PLEASE CONSULT AN ATTORNEY.

INITIAL APPEARANCE

The Initial Appearance session of the Beloit Municipal Court is primarily for the purpose of taking a defendant's plea to the alleged violation of the law.

- When your name is called, come forward promptly to the podium at the base of the center steps, facing the judge.
- The judge will inform you of the charge against you; the range of possible penalties; and will request that you enter a plea of "not guilty", "guilty" or "no contest."
- If this is the first scheduled appearance, you have the right to request a continuance in order to consult with an attorney.

ENTERING A PLEA

It is ultimately your decision what plea you enter. You may enter one of the following pleas:

- **Guilty.** If you plead "guilty," it is an admission of the charges against you. The judge will impose penalty as provided by law. You will be given sixty (60) days to pay the penalty imposed.
- **No Contest.** If you plead "no contest," the judge will find you guilty and impose a penalty as provided by law. When you plead "no contest" you are not admitting to the underlying facts and your plea cannot be used against you in any other court of law. However, you are also not contesting the citation so you will be found guilty. You will be given sixty (60) days to pay the penalty imposed.

- **Not Guilty.** If you plead "not guilty," you deny committing the offense and the matter will be adjourned and scheduled for a pretrial conference with the City Attorney's Office. You will receive written notice of the date of the pretrial conference.

If you refuse to enter a plea or request a continuance, the judge is required to enter a plea of "not guilty" on your behalf. A pretrial conference will be scheduled.

PRETRIAL CONFERENCE

If you plead "not guilty" or a "not guilty" plea is entered on your behalf, the court will schedule a pretrial conference with the City Attorney's Office. The pretrial conference is a **mandatory** court appearance.

When you appear for the pretrial conference, you will meet one-on-one with a representative of the City Attorney's Office to discuss the details of your case. If you and the City Attorney's Office are able to reach an agreement, both parties will sign a written stipulation that sets forth the terms of your agreement. The stipulation will be presented to the judge for approval. The judge does not participate in the pretrial conference, nor does he have to accept any negotiated plea agreement. You will be notified in writing if the judge rejects the negotiated plea agreement.

If you fail to appear at the pretrial conference, a default judgment will be entered against you.

TRIALS

If you do not reach an agreement at the pretrial conference, your case will be scheduled for a trial. If you want to have an attorney represent you, you may retain one at your own expense. An attorney can explain your rights and assist you with your case.

Trials in Municipal Court are tried before the Municipal

Court Judge and not a jury. The right to a jury trial is limited to ordinance violations in certain cases. See section titled "OWI and PAC Citations" for further details.

FAILURE TO APPEAR

If you fail to appear for any of your court dates, the court may enter a default judgment against you or issue a warrant for your arrest.

OWI and PAC CITATIONS

If you have been charged with Operating a Motor Vehicle while Under the Influence of an Intoxicant (OWI) and/or Operating a Motor Vehicle with a Prohibited Alcohol Concentration (PAC), you have a right to request a jury trial. To request a jury trial you must make the request **in writing** to the Beloit Municipal Court within ten (10) days of your initial appearance. You must also post the jury fee and post the bond amount that appears on your citation. If you fail to comply with all of the requirements, the trial will be held in front of the Municipal Court Judge.

JUVENILES

The Municipal Court has jurisdiction over persons between the age of 12 and 16 years of age. (17 for truancy cases) The same rules of procedure apply to juvenile cases as adult cases, except that juvenile cases are closed to the public.

TRAFFIC VIOLATIONS

If you are found guilty of a traffic offense, in addition to any judgment made by the Municipal Court, the Wisconsin Division of Motor Vehicles (DMV) may assess demerit points against your driver's license, which may result in the suspension or revocation of your license. If you have any questions about the status of your driver's license, you should contact the DMV at (608) 266-2261. If you are licensed outside the State of Wisconsin, you should contact your home state for license information.

PAYMENT METHODS

Payments can be made in person at the Court Office between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday. Payments may also be made in the drop box on the north-side of City Hall or in the drop box at the Police Department. Acceptable methods of payment in person are cash, check, money order, or credit card.

FAILURE TO PAY FORFEITURE

There may be serious consequences if you fail to follow a Court Order or pay the ordered forfeiture. If you fail to pay the forfeiture by the due date, you **must appear** in person before the judge and request an extension of time to pay. If, because of your poverty, you believe that you are unable to pay the forfeiture in full by the due date, you may request an installment payment agreement. The judge will review your request and your financial circumstances before either granting or denying your request.

If the forfeiture remains unpaid and/or you are not in compliance with an installment payment agreement, the judge may suspend your driver's license until the forfeiture is paid or up to a maximum of two years; intercept any tax refund that you may be entitled to; assign your wages; and/or issue a warrant for your arrest and order you to jail.

APPEALS

If you are convicted after a court trial, you have the right to appeal the decision of the Municipal Court Judge to the Rock County Circuit Court. All appeals must be filed **in writing** within twenty (20) days after judgment. You must file your request with the Beloit Municipal Court and pay the required fees. If you fail to meet the deadline, you lose your right to appeal.

RELIEF FROM JUDGMENT

If a default judgment has been entered against you, you may request that the matter be reopened. Your request must be **in writing** and you will be required to appear in court and explain why you did not appear in court. In most cases, you must file your motion within 6 months of the date the judgment was taken.

FREQUENTLY ASKED QUESTIONS

What if I don't appear for my initial appearance?

If your citation was personally served on you and you fail to appear in Court for your initial appearance, you will be found guilty and a default judgment will be entered against you. You will receive a notice of default judgment in the mail stating the forfeiture amount due and the due date.

If your citation was mailed to you and you fail to appear in court, enter a plea, or pay the forfeiture by the due date, the court may issue a warrant for your arrest.

I can't make it to my initial appearance, but I want to talk to someone about my ticket?

You may enter a plea of "not guilty" before your initial appearance by either sending a letter to the court requesting a pretrial conference or filling out a plea form in the Municipal Court Office at City Hall. The court will notify you in writing of the pretrial conference where you can speak with the City Attorney's Office about your case.

What if I can't pay the forfeiture by the due date?

If you are unable to pay the amount in full, you must appear in front of the Judge at a Good Cause Hearing as noted in your court paperwork. At that hearing, you may request a payment plan or an extension of time to pay. Be prepared to answer questions regarding your income and expenses at this hearing.

I can't make it to my pretrial conference, can I reschedule?

When you receive your pretrial conference date and you cannot make it to court, you may request to have the conference postponed. Contact the City Attorney's Office at (608) 364-6624 to reschedule. If you wait until the last minute to reschedule, your request may not be granted. It is important to contact the City Attorney's Office immediately when you learn of the conflict.

How can I get my points reduced?

If you wish to reduce the demerit points on your driving record, you may attend an approved traffic school. Applications for point reduction school

FREQUENTLY ASKED QUESTIONS

can be made at any state vocational school, including Blackhawk Technical College.

What will happen if I don't pay my forfeiture and I don't appear in court at the Good Cause Hearing?

The Judge may commit you to jail for not more than 90 days per citation; may suspend your driver's license for a maximum of 1 year or until the forfeiture is paid; may assign your wages; and/or may intercept your tax refund.

I missed my court date but really wanted to appear. What now?

In order to contest your citation after a disposition has been entered by the Court, you must file a written request to the Court (Motion to Reopen Judgment) indicating your reason why you did not appear in court and why you believe your case should be reopened.

I received a citation for not having insurance. I have proof that I had insurance at the time I was stopped. What can I do?

State law requires that the operator of a motor vehicle carry proof of insurance on him/her at the time of operation of a motor vehicle. If you had insurance at the time of the stop, but did not have proof with you, you may appear in court at the initial appearance. State law provides that the citation must be dismissed if you provide written proof of insurance at the initial appearance.

What if I still have questions?

You may contact the Municipal Court Office at City Hall if you have any questions about court procedure. If you have questions as to why you were issued a citation, you should contact the city department that issued you the citation. If you disagree with the citation and wish to speak to someone, follow the procedures outlined in this pamphlet about setting up a pretrial conference with the City Attorney's Office.

You are encouraged to contact an attorney if you have legal questions or believe you need legal assistance.

RULES OF COURTROOM CONDUCT

- Turn off and store all cell phones.
- Throw away gum, food and drinks before entering the courtroom.
- Remove hats and sunglasses.
- No smoking.
- Proper dress is required in the courtroom. No obscene or profane language or illustrations on clothing, or gang-related clothing. Clothing must cover all undergarments.
- No weapons of any kind are permitted in the courtroom, except for police officers or courtroom bailiffs.
- Stand when the judge enters the courtroom.
- Remain seated and silent until your case is called.
- Speak clearly when you respond to the judge's questions.
- Always address the judge as "Your Honor."
- Never interrupt the judge. If you are unsure of what you heard, wait until the judge or other person speaking has finished talking before asking a question.
- Enter and leave the courtroom quietly so you do not disturb others.

Persons who fail to conduct themselves in an orderly manner will be asked to leave the courtroom and may be cited for contempt of court and/or disorderly conduct.

Beloit Municipal Court Information



Beloit Municipal Court

100 State Street
Beloit, WI 53511
(608) 364-6613

Judge Brooke Joos
Municipal Court Judge