

GENERAL INFORMATION ABOUT YOUR TRIAL IN MUNICIPAL COURT

I. What Happens at trial?

The Village tries to prove you violated the law by clear, satisfactory and convincing evidence. The Village will call its witness first and ask questions. You will have an opportunity to ask the Village's witnesses questions. You can then present yourself as a witness, call your witnesses and present documents such as photos or maps. Affidavits or written statements from witnesses are not allowed because they are hearsay. The witness must come to court and testify. (See Section VI below for how to compel witnesses to attend the trial.) For every witness called, both you and the Village Attorney will have a chance to ask questions. The judge will make a decision after both sides have had an opportunity to present their evidence.

II. Police testimony and police records.

You should ask the Village Attorney **in writing** what witnesses (s)he plans to use at trial. If you want to ensure that those witnesses are used, you will have to subpoena them your self. (*See* Section VI below for more information on subpoenas.)

Do not assume that the judge has seen the police report. The judge has not read the police report and will not read the report unless it is properly submitted at trial. Do not assume that the Village Attorney will properly submit it at trial. If you want the judge to see it, you will have to bring a copy and request that the judge admit the report as evidence. The Village Attorney may have valid objections to admission of the report, which the judge will consider in deciding whether to admit the report.

You may request a copy of the report from the Police Department. Your request should be in writing and should include your name, citation number and the date of your next scheduled court appearance. There will be a charge for photocopy expenses you must pay before you will receive a copy of the report. If your case involves a minor under Wisconsin law, the Village's ability to provide you with copies of all or a portion of the report may be restricted by Wisconsin law or McFarland Police Department policies.

III. Will I have to pay more than the amount on the ticket if I lose at trial?

You might have to pay more. The amount on your ticket is usually not the maximum possible fine. Further, there can be additional costs for witness fees, mileage and subpoenas. The judge decides what the penalty will be if you are found guilty.

IV. If I lose, can I appeal?

Yes, and the judge will explain your three appeal options at the trial. All appeals require a substantial filing fee. If the Village loses, the Village also can appeal.

V. I change my mind and I now want to settle my case.

Call the Village Attorney (257-7181). However, if you wait until too late to settle your case, you might have to pay more than you were previously offered. The Village Attorney may make an offer to resolve your case during the pretrial conference, and will tell you the time period during which you may accept the offer. After expiration of the time period, the Village Attorney is under no obligation to settle the case on the terms of the pretrial offer or to make another offer to you. As a general rule, you must be prepared to go to trial unless you have notified the Village Attorney at least two weeks before the trial that you no longer wish to contest the citations(s).

VI. Preparing for trial.

Think about what witnesses to the events you want for trial. You will need at least two weeks before trial to subpoena them. A subpoena is a document you get from the court and present personally to the witness with the appropriate witness fees. You cannot mail the subpoena. The court provides instruction to help you prepare and serve the subpoena. Make sure you bring any relevant photos, maps or drawings to court with you.

Call the Clerk of Municipal Court at 838-3764 with questions regarding your trial date. Please note that the Clerk cannot give you legal advice regarding your case, witnesses to call, evidence to present or the likelihood of success at trial. If you need legal assistance with your case, you should consult an attorney.