

VILLAGE OF MCFARLAND

Plaintiff,

NOTICE OF RIGHT TO APPEAL

vs.

Case No. _____

Defendant.

Upon a trial held on _____, you were found guilty and judgment was entered accordingly. The Wisconsin Statutes provide that you have the right to appeal the judgment to the circuit court of the county where the offense allegedly occurred. If you decide to appeal, you must file written notice of your decision to do so with the municipal court and pay the statutorily required appeal fees and costs within **20 days** from the above date. Time for filing an appeal cannot be extended by the municipal court judge.

You may satisfy all the statutory requirements for an appeal and choose one of the three forms of appeal below, by completing and filing this notice and the appropriate fees and costs with this municipal court.

#1 - TRANSCRIPT REVIEW In this form of appeal, a written transcript of the testimony will be produced. It, and all other evidence that was presented during the municipal court trial will be sent for review by a circuit court judge. The circuit court judge will read the transcript of the testimony and consider any exhibits that were introduced. Unless the circuit judge determines that the municipal judge's findings of fact were erroneous, the decision will not be reversed. Please note that if the municipal attorney request a New Trial (#2) within twenty (20) days of your request for a Transcript Review, this request will take precedence and there will no transcript review.

#2 - NEW TRIAL BEFORE CIRCUIT JUDGE WITHOUT A JURY In this form of appeal, a new trial will be held at the county courthouse. Each side may bring as many witnesses as they like, even if those witnesses did not appear at the municipal court trial. The circuit court judge decides whether the defendant is guilty or not guilty based only on the evidence that is introduced at the new trial.

#3 - NEW TRIAL IN CIRCUIT COURT BEFORE A SIX-PERSON JURY As in #2, a new trial will be held. However, although a circuit judge will preside over the trial, a jury will decide if the defendant is guilty or not.

NOTE: The statutes require that you must either remit the total amount of the forfeiture plus costs assessed against you upon being found guilty in this court or execute a bond whereby you will become bound to pay any forfeiture and costs awarded on appeal if the municipal court judgment is upheld in whole or in part. If you cannot post the required bond within 20 days, you may request an indigency hearing before this Court. If you cannot post the required appeals fees, you must request an indigency hearing before the circuit court within 20 days of the above date.

TO: MCFARLAND MUNICIPAL COURT 5915 Milwaukee Street, McFarland, WI 53558

I, the undersigned defendant, hereby appeal from the judgment of the municipal court entered on the date above. I understand that my signature complies with the bond requirement explained above and I am including herewith the appellate filing fees appropriate to my request as noted below.

- ___ 1. **TRANSCRIPT REVIEW** (Include \$139.50 cash or two checks both payable to the "Clerk of Courts", one for \$129.50 and one payable to McFarland Municipal Court for (\$10.00) Note: **Once the certified transcript is prepared, you are responsible for the actual cost of its preparation.**
- ___ 2. **NEW TRIAL BEFORE CIRCUIT COURT JUDGE WITHOUT A JURY** (Include cash or check payable to "Clerk of Courts" in the amount of \$144.50)
- ___ 3. **NEW TRIAL IN CIRCUIT COURT BEFORE A SIX-PERSON JURY** (Include cash or check payable to "Clerk of Courts" in the amount of \$180.50)

Dated: _____ Signature: _____