

JUDGMENTS & FORFEITURES

If you are unable to pay a forfeiture (fine) due to **poverty**, you must notify the Court and you may request an installment payment plan or community service. If the Court grants a payment schedule for the forfeiture, it is your responsibility to **pay on time every time**. No reminders will be sent. Inform the Court if you change your address or if the address on your citation is incorrect.

Although the “**bond deposit**” set forth in the upper right corner of your citation is usually the monetary penalty upon conviction, the Court can increase or decrease the penalty as justice might require and allowed by law.

First offense **underage alcohol** (UA) convictions usually result in the option to attend Prime for Life alcohol education at Restorative Justice and receive a reduced forfeiture. Subsequent UA offenses often result in suspension of driver’s license in addition to a forfeiture.

In convictions for cases involving theft or damage to property, you may be ordered to pay **restitution** (payment for a victim’s monetary loss) and a forfeiture.

FAILURE TO PAY FORFEITURES

If you fail to follow a court order or pay a forfeiture, the Court may commit you to **jail** for up to ninety (90) days, unless you are indigent. The Court may also **intercept your tax refunds** for failure to pay a forfeiture or send your case to the Department of Revenue or collections. The Court may order a **suspension of your driver’s license** for a maximum of one (1) year if a traffic offense forfeiture goes unpaid.

SUSPENSION OR REVOCATION OF DRIVER’S LICENSES

If you are charged with a moving traffic citation, be aware that accumulating twelve (12) **demerit points** in a twelve (12) month period will result in a suspension of your driver’s license by the Division of Motor Vehicles (DMV) of the Department of Transportation (<http://wisconsin.gov/Pages/dmv/license-drvs/susp-or-rvkd/pointfaq.aspx>). If you have a probationary license, the points can accumulate faster. You may attend Point Reduction School once to reduce your demerit points by three (3).

If your license is suspended or revoked, it is your responsibility to reinstate your operating privileges and pay a **reinstatement fee** to the DMV. Your license will not be automatically reinstated.

If your driver’s license is suspended or revoked, you may be eligible for an **Occupational License**. These are issued by the Rice Lake DMV office located at 735 West Ave. (southwest of the intersection of HWY 53 and HWY 48). Sometimes, there is a waiting period. Check if you are eligible with that office or at <https://trust.dot.state.wi.us/occsin/occsinservlet?whoami=occspl>

CITY OF RICE LAKE

Municipal Court

Procedures, Rights & Responsibilities



Eric T. Kasper
Municipal Judge

Shanon Breed
Clerk of Court

Rice Lake City Hall
30 E. Eau Claire St., Rice Lake, WI 54868
Phone: (715) 234-1989
sbreed@ricelakegov.org

COURT CONDUCT

Please **turn off or silence cell phones** and other electronic devices. Remove hats. **Please remain silent** unless your case is heard. Take noisy children in the hall. Respect the rights of others whose cases are being heard. Persons failing to conduct themselves in an orderly manner may be found in contempt of court.

INITIAL APPEARANCES

The initial appearance session of this Court takes place to give you important information and to take your plea to an alleged violation of the law.

1. When it is time for your initial appearance, come forward to the table on the left side of the courtroom. Please **speak into the microphone**.
2. The Court will inform you of the charge(s) against you and the range of penalties. The Court will then request that you enter a plea.
3. If this is your initial scheduled appearance date, you may request a continuance, which may be used to consult with an attorney.

ENTERING A PLEA

When you are asked to enter a plea, you have three (3) choices of pleas:

1. If you plead **GUILTY**, you admit that you committed the offense. If the citation contains the necessary elements, you will be found guilty, and a judgment will be entered against you.
2. If you plead **NO CONTEST**, you neither admit nor deny committing the offense. The Court may find you guilty and treat you as such. However, by pleading no contest, your plea cannot be used against you if a civil lawsuit is filed against you.
3. If you plead **NOT GUILTY**, you deny committing the offense, and you will have a Pre-Trial Conference with the Municipal Prosecutor.

PRE-TRIAL CONFERENCES

If you plead not guilty, the Pre-Trial Conference allows you to discuss the details of your case with **Municipal Prosecutor (715-234-2128)** and possibly negotiate a settlement. The Judge does not participate in this conference, nor does the Judge have to accept any negotiated or amended charges.

FAILURE TO APPEAR

If you fail to appear at any court conference, hearing, or trial, the Court may: (1) issue a summons requiring you to appear; (2) issue a warrant for your immediate arrest; or (3) enter a Default Judgment against you.

JURY TRIALS

In **Operating While Intoxicated** cases only, you are allowed to have a 6-person jury trial in the Circuit Court in Barron instead of a bench trial in Municipal Court. To do this, you must file the appropriate paperwork and pay the required fees to the Municipal Court Clerk within ten (10) days of your initial appearance. All other cases will first be tried in Municipal Court.

TRIALS

If you plead not guilty, you have a right to a Trial without a jury before this Court. All Trials, except non-traffic juvenile cases, are public. The Rules of Civil Procedure and evidence will be followed. Testimony will be under oath.

You have **the right to retain your own attorney at your own expense** (you will *not* be provided with an attorney or a Public Defender). You are presumed innocent and will be found guilty only if there is evidence that is clear, satisfactory, and convincing to a reasonable certainty that you committed the charged violation. Please contact the Municipal Prosecutor if you wish to see the evidence that will be introduced against you at trial.

The Municipal Prosecutor will produce witnesses to testify as to the facts and circumstances surrounding your alleged violation. You or your lawyer will be permitted to cross-examine each witness who testifies for the City. You may also be called to testify by the Municipal Prosecutor. You and your witnesses will have the opportunity to testify. Any witnesses (including you) who testify on your behalf will be subject to cross-examination by the Municipal Prosecutor.

You are responsible for bringing any witnesses you wish to testify. The Court typically cannot accept letters or affidavits. **Your witnesses must appear in person at the Trial** unless the law allows otherwise. Reluctant witnesses can be compelled to attend by Subpoena (a court order requiring one's appearance in court). The Clerk has Subpoena forms. You must make your own arrangements for service of any Subpoena, including payment of service and witness fees. Given sufficient lead time, the Police Department can serve Subpoenas in the city, and the Sheriff's Department can make service in the rest of the county. The Court allows telephonic testimony by State Laboratory of Hygiene analysts.

After all of the evidence has been presented, each side will have the opportunity to summarize its respective case to the Court. Thereafter, the Court will decide if you are guilty or not guilty, based on the testimony, the evidence, and the law.

If you **change your mind** and wish to withdraw a plea of not guilty, please so inform the Municipal Prosecutor or Court Clerk at least five (5) days prior to trial. Failure to show up for your trial may result in a default judgment against you, and you may be subject to forfeitures, court costs, fees, and/or restitution.

RELIEF FROM JUDGMENT

Each party has a right to **appeal** a Municipal Court decision to the Barron County Circuit Court. You may appeal by paying the appeal fees, costs, and bond deposits, unless waived by the Court. Appeals to Circuit Court may be on the record made in Municipal Court, by a new trial to the Circuit Court Judge, or by trial to a jury. All appeal paperwork and required payments must be submitted within twenty (20) days of the date of your conviction (judgment).

You may file a **Request to Reopen** a judgment within six (6) months of the judgment only for good cause. Payment of a reopening fee may be ordered.