

TO ALL DEFENDANTS:

Since most people are concerned about appearing in court, this is offered to help you understand court procedure. This court has jurisdiction over traffic and non-traffic ordinance violations in the Town of Brookfield. You have a right to be represented by an attorney, or you may go ahead without one. If you want an attorney, you must retain one at your own expense. The court cannot provide you with a Public Defender, regardless of your economic status.

INITIAL APPEARANCE

At the initial appearance, each defendant will have an opportunity to discuss his or her case with the Town Attorney (the prosecutor). The purpose of this hearing is to try and settle cases prior to trial. If you fail to appear at this initial hearing, default judgment will be entered against you.

Defendants who plead Guilty or No Contest will be given an opportunity to make a brief statement. The Judge will then review the police reports and, depending on the seriousness of the present charge and any prior record of relevant offenses, impose an appropriate forfeiture (fine). Payment of a fine may be deferred for a reasonable time (up to 60 days) if requested by the defendant. If you fail to pay your forfeiture, you may be committed to jail for up to ninety(90) days or have your driver's license suspended for up to two(2) years.

PLEAS

At the initial appearance, a defendant may enter one of the following pleas:

- If you plead **GUILTY**, it is an admission of guilt to the charge or charges against you.
- A plea of **NO CONTEST** means that you do not wish to contest the charge or charges against you. Although such a plea will result in your conviction, you will not be admitting any liability should there be a subsequent lawsuit filed in Waukesha County Circuit Court for personal injury or property damage arising from the incident for which you were cited. An example of this would be a traffic accident. If you were the driver who was charged with failure to yield the right-of-way, a No Contest plea to this charge is not an admission of guilt, and could not be used against you in any lawsuit for damages arising from the accident.
- When pleas of Guilty or No Contest are made, a forfeiture (fine) will be assessed against you. Before this is done, you will be given an opportunity to tell the Judge about any mitigating circumstances surrounding the charge which might affect the amount of the forfeiture imposed.
- If you plead **NOT GUILTY**, it means that you feel you have some defense to the charge or believe it is incorrect. If you are in doubt as to which plea to enter, you should plead Not Guilty.

TRAFFIC VIOLATIONS

If you are found Guilty of a traffic offense, **in addition** to any judgment imposed 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 or more 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.

DRUNK DRIVING CASES

If you are charged with operating a motor vehicle while under the influence of an intoxicant (drunk driving) or with a blood alcohol concentration greater than .08% and enter a Not Guilty plea, you have a right to request a jury trial.

To secure a jury trial, you must file a written request in Town of Brookfield Municipal Court and submit the appropriate jury fee for a six person jury within ten (10) days of your first court appearance. If this is not done, you lose your right to a jury trial but are still entitled to a court trial before the Municipal Judge. If a proper jury trial demand is made, your case will be transferred to the Waukesha County Circuit Court. The Circuit Court Clerk will then notify you of your jury trial date.

JUVENILES

The Municipal Court also has jurisdiction over persons between 12 and 17 years of age. 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 forfeiture may be entered against a juvenile found Guilty of a traffic or non-traffic ordinance violation. If the juvenile is found Guilty of a traffic violation and fails to pay the forfeiture within the sixty (60) days given, his/her driver's license may be suspended for up to two (2) years. If the juvenile is found Guilty of a non-traffic ordinance violation, a forfeiture will be imposed with an alternative number of community service hours. If the juvenile fails to perform the community service or to pay the forfeiture, his/her license may be suspended for up to two (2) years. If the offense is alcohol related, the driver's license of the defendant may also be suspended.

TRIALS

It is the prosecutor (Town Attorney) who 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 subjected 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 Judge will determine whether you are Guilty or Not Guilty.

If the Judge finds you Not Guilty, you will be discharged and the citation dismissed. If you are found Guilty, the judge will impose a forfeiture, taking into consideration the seriousness of the violation and your past record. If necessary, you may have up to sixty (60) days to pay the forfeiture and costs.

APPEALS

If you are found Guilty, you have the right to appeal your case to the Waukesha County Circuit Court. All appeals must be filed in writing in the Municipal Court office within twenty (20) days after a Guilty finding is entered. If you fail to meet this time limit, you lose your right to appeal. The appeal fee, forfeiture, and costs must be posted upon filing the appeal.