

TRIALS IN MUNICIPAL COURT

Do I need an attorney?

If you decide to take your case to trial, an attorney will not be provided for you by the court. You may, of course, choose to hire an attorney or represent yourself. If you choose to represent yourself, please read the following information carefully.

What happens at a trial?

A trial is a formal hearing where a prosecuting attorney (representing the city) and the Defendant (you) have the opportunity to present their evidence before the Municipal Judge. The City has the burden of proving its case by clear, satisfactory and convincing evidence. The city puts forth its case first. This usually involves calling witnesses and introducing documentary evidence. Once a witness for the City has testified, the defendant has the right to cross-examine that witness. After the City has introduced all of the evidence that it wishes to present, the Defendant then has the opportunity to testify in his or her own behalf, call witnesses and introduce documentary evidence. The prosecuting attorney is entitled to cross-examine any witness called by the Defendant. After all of the evidence has been heard by the Judge, each side is given an opportunity to make a closing argument. The Judge then applies the admissible evidence to the specific city ordinance that the Defendant is charged with violating, and determines whether the Defendant is guilty or not guilty.

What should you do to prepare for a trial?

1. **Are there witnesses you want to testify** – If the answer is yes, you need to make sure that your witnesses will be in Court on the day of trial. Any such witnesses should have personal knowledge of the incident based on what he or she saw or heard. Do not bring in letters or statements written at your request. They are hearsay and will not be admitted as evidence. If you have any doubt that witnesses you would like to call will appear voluntarily, you have the right to subpoena them to appear at trial. Subpoena forms can be requested at least two weeks before trial from the Court Clerk in order to allow enough time for proper service.
2. **Photos, Maps and Drawings** – If you think such evidence will help the Judge understand your case, bring them to court. However, you or whoever took the photos or made the maps or drawings should be prepared to testify about how and when the items came into being, what they are intended to depict, and how the depiction is relevant to your case.
3. **Testimony by the Defendant** – If you plan to testify in your own behalf, think about what you are going to say beforehand. If you do testify, the prosecuting attorney will have the right to cross-examine. If you made a statement to the police or others, these statements can be used against you at the trial.
4. **Police Reports** – If you want to have copies of the police reports to help you prepare for trial, you may stop at the police department dispatch window to sign a request form. (It may take a few days before the reports are copied and available for you. There may also be a fee for the copying service.) However, the police reports are not admissible as evidence at trial.

Will I have to pay more than the amount on the citation if I am found guilty?

It is a possibility. The fine amount on your citation is not the maximum fine in most cases. If you are found guilty, the Judge has the authority to impose a higher fine if it is deemed appropriate.

If I change my mind, can I settle my case before the trial?

Usually. Simply call the prosecuting attorney who is handling your case (the prosecuting attorney's name and telephone number are listed on your trial notice). Do not wait until the last minute. Call at least one week in advance of your trial date.

If I am found guilty, can I appeal?

If you are found guilty after trial, the Judge will notify you of your appeal rights. The appeal must be filed within twenty (20) days after the Judge's decision and will be heard in the Dane County Circuit Court either before a jury or a judge. You must file written notice of appeal and pay an appeal fee. The appeal form will be given to you after your trial.