

## **WELCOME TO THE CITY OF BURLINGTON MUNICIPAL COURT WEBSITE.**

Burlington Municipal Court has jurisdiction in all matters involving violations of the City of Burlington ordinances. An ordinance violation is classified as a civil offense, not a criminal offense.

Every person accused of an ordinance violation has certain legal rights and responsibilities. You are entitled to be represented by an attorney, although the court does not appoint an attorney for you and the City of Burlington does not pay your attorney fees and expenses.

If you are found guilty in Municipal Court, the court typically imposes a money forfeiture. You are expected to pay the forfeiture when you make your initial appearance in court. However, if you need more time, the Court will grant you up to 60 days to pay. If payment in full cannot be made within 60 days, you must contact the court and complete a Payment Plan Agreement form. If you are unable to pay due to poverty, you must contact the court to request a poverty hearing.

### **INITIAL APPEARANCES**

An initial appearance for adults and juveniles charged with violating a City of Burlington ordinance generally is held the second and fourth Wednesday nights of each month, commencing at 5:30 p.m. in the Municipal Courtroom, Police Building, 224 E. Jefferson St., Burlington, WI 53105. Your citation will indicate the specific date.

At your initial appearance, you will be asked to enter a plea of not guilty, no contest, or guilty. You can request a continuance of your court appearance, if you need additional time to consult an attorney or someone else whose advice you rely upon.

If you have an Operating While Intoxicated citation, you also have the option to request a 6 person jury trial to be held in Racine County Circuit Court. Requests for a jury trial and payment of a \$36 jury fee must be made within 10 days of entry of your not guilty plea.

If you enter a not guilty plea, the next stage of the legal process is a Pre-Trial Conference. If you wish to enter a not guilty plea without appearing in Court for your initial appearance, you must mail, fax or email your not guilty plea to the Court prior to the scheduled date. If you enter a not guilty plea by mail, fax or email, provide your name, current mailing address, current telephone number and the citation number.

If you plead either no contest or guilty, the Judge will find you guilty and impose a sentence. Usually, the sentence will be imposed the same night as the initial appearance. However, sometimes the Judge will schedule a sentencing hearing for a separate date. A plea of no contest means you are telling the Court that you are not admitting you are guilty, but there is enough evidence to find you guilty. A plea of guilty means you are telling the Court that you are guilty as charged. If you are found guilty after entering a no contest plea, that finding cannot be used against you as an admission of guilt if you appear in any other court action.

Oftentimes, someone prefers to enter a no contest plea or a guilty plea and then make a statement to the Court about his/her version of what happened on the date in question. The Judge will listen to such statements before any sentence is imposed.

If you fail to appear in Court for your initial appearance, and you have not entered a written plea of not guilty, previously paid the deposit amount of your citation, or obtained a continuance for another date, the Court will enter a default judgment against you. You will receive a notice of default judgment in the mail.

Failure to comply with a Court order may lead to having the outstanding amount certified to the Department of Revenue's State Debt Collection program, a suspension of your driver's license, or a commitment to the Racine County Jail. You may have an attorney assist you, but you will have to provide your own attorney. The Court will not appoint an attorney for you.

### **JUVENILES**

Initial appearances for juveniles charged with violating a City of Burlington ordinance generally are held on the second and fourth Wednesdays of each month, commencing after the adult appearances. The citation will indicate the specific date. All juvenile proceedings are confidential. Typically, only the juvenile and his or her parents are allowed in the courtroom.

### **RESCHEDULING YOUR INITIAL APPEARANCE**

If you are unable to attend your initial appearance court date, you must contact the Court prior to the date and time of your scheduled appearance. You can call (262) 342-1129. Or, you can visit the Municipal Court Office at 224 E. Jefferson Street, Burlington, WI 53105. It is not acceptable to write a letter prior to calling or visiting.

The Court will reschedule your initial court appearance to the next regularly scheduled court date. Usually, that means you will receive a two-week continuance. It is not possible to receive more than one continuance of your initial court date.

It is not necessary to attend your initial court appearance, if you intend to enter a not guilty plea. If you wish to plead not guilty, email or write to the court indicating you wish to enter a not guilty plea.

If you plead not guilty, you will be given a date and time for a Pre-Trial Conference. Such conferences generally are held between 11:30 a.m. and 4:30 p.m. on the second and fourth Thursdays.

At the Pre-Trial Conference, you and the City Attorney will discuss the case and your respective positions. If the two of you reach an agreement on how to resolve your case, that is called a plea agreement. All plea agreements are prepared in writing. Both you and the City Attorney will receive a copy of the plea agreement. If no agreement is reached, a trial is scheduled.

The Judge reviews all plea agreements and either approves or rejects the plea agreement. Those plea agreements which are rejected either are renegotiated or the case is scheduled for trial.

## **TRIALS**

All trials are held in the Municipal Courtroom, Police Building, 224 E. Jefferson Street, Burlington, WI 53105. Generally, trials are held on the second and fourth Wednesday nights of each month. Trials are recorded by audio tape.

You can represent yourself, or you can have an attorney appear with you and handle the presentation of your case. If you hire an attorney, you must pay for the attorney yourself. You can testify yourself and you can present other witnesses. If you need assistance in issuing a subpoena to compel a witness to appear at the trial, you should call the Court (262-342-1129). You will have to personally serve the subpoenas on the witnesses. Please allow at least two weeks before the trial to obtain and serve the subpoenas. There is no charge for obtaining subpoenas, but if you lose at trial, you may be required to pay witness fees plus their mileage. If you wish to offer documents as part of the presentation of your case, you certainly can do so. Please bring copies for the City Attorney and the Court.

The City of Burlington will present its case first. The City, through the City Attorney, must try to prove you are guilty of violating the ordinance indicated on the citation issued to you. The burden of proof that the City must meet is called clear, satisfactory and convincing evidence. You have the opportunity to question all witnesses you call during the presentation of your case. That is called direct examination. Also, you can question all witnesses that the City presents as part of its case. That is called cross-examination. Closing arguments are permitted as well. Usually, the Judge will render a decision the same night that the trial is held. Occasionally, the Judge will take the case under advisement and issue a written decision within 30 days of the trial date.

If the Judge determines the City failed to meet its burden of proof, the case will be dismissed. However, if the Judge determines the City satisfied its burden of proof, you will be found guilty. Then, the Judge will impose a sentence. Typically, the sentence will include a forfeiture of some amount. However, there may be other components of the sentence depending on the nature of your specific case, including such things as suspension of your driver's license and restitution for damage to property.

It will be helpful if you think about your case prior to the trial date. You may want to make a list of questions you would like to ask witnesses. The Judge will have no information about your case except what is presented at trial.

## **PARKING CITATIONS**

If you wish to contest a parking citation, you can appear in Court just as you would for any other alleged violation of a City ordinance. The court procedures utilized for parking cases are the same procedures used for any other case involving an alleged violation of a City ordinance.

## **RE-OPEN HEARINGS**

You can file a motion to reopen your case. The motion simply can be a letter from you to the Court or you can complete the form that appears on the Municipal Court website (please see the link on the Court's home

page). The motion must be filed with the Burlington Municipal Court, 224 E. Jefferson Street, Burlington, WI 53105.

A hearing may be scheduled on your motion to reopen. Such hearings typically are held on Wednesdays after initial appearances. A hearing notice will be sent to your last known address. At the motion hearing, you should be prepared to explain why the Court should reopen your case. The Judge will make a ruling on your motion at the end of the hearing. If your motion is granted, the Judge may assess a re-opening fee, and a not guilty plea will be entered on your behalf. Your case will then be set for a pre-trial conference on a different day.

If your motion is denied, the original finding of guilty and the original sentence remain as previously determined.

### **APPEAL TO CIRCUIT COURT**

If you are found guilty at a trial in City of Burlington Municipal Court, you can appeal that decision to Racine County Circuit Court. You must file a written notice of appeal and pay the filing fee within 20 days of the Municipal Court decision, and provide a copy to the City Prosecutor. The appeal form may be obtained from the Racine County Circuit Court, 730 Wisconsin Avenue, Racine, WI 53403-1238.

For Operating While Intoxicated violations, you can request that the circuit court take your appeal in one of two ways. You can request that the circuit court review the transcript of the municipal court trial and make a decision based on that review, or you can request a trial before a circuit court judge without a jury.

For all other matters, you can request that the circuit court take your appeal in one of three ways. You can request that the circuit court review the transcript of the municipal court trial and make a decision based on that review. Also, you can request a trial before the circuit court judge without a jury. Or, you can request a trial by a 6 person jury in circuit court.

### **DISABILITY INFORMATION**

Burlington Municipal Court is committed to ensuring that people with disabilities are provided an opportunity to appear at court and present their case to the Judge. If you need an accommodation by the Court, please call, write or email the Court prior to the date of your court appearance.

By Phone: (262) 342-1129

By Mail: City of Burlington Municipal Court, 224 E. Jefferson Street, Burlington, WI 53105

By Email: [courtclerk@burlington-wi.gov](mailto:courtclerk@burlington-wi.gov)

The Court also welcomes your suggestions on how the Court can accommodate people with disabilities.

## **COURT CONDUCT**

As in any other court of law, there are rules of conduct by which every person appearing or attending must abide by. These rules of conduct are set out for the civility of the court process and so that persons in attendance are given a fair atmosphere in which to present their case. All persons in attendance should present themselves in a decent manner and shall be civil at all times.

- NO WEAPONS ARE ALLOWED IN THE COURTROOM (Law Enforcement Officers are exempt from this requirement)
- NO SMOKING IN THE COURTROOM
- ALL ELECTRONIC DEVICES SHOULD BE TURNED OFF
- TAKE OFF YOUR HAT

Pro Se parties (individuals representing themselves without an attorney) should be prepared to present their cases in a proper manner. It is not the court's duty or responsibility to protect or represent you, or instruct you on court procedure, evidence, rule or how to present and prove your case. If you are unprepared, unaware, and not knowledgeable as to presenting your case, you may lose your case.

- Be on time
- Come prepared to ask questions of witnesses, not the Judge
- You will be allowed to give testimony from the stand, not from the defense table
- Do not argue with the court
- Address the court as "Judge" or "Your Honor"
- Address opposing parties, counsel, witnesses and officers, as "Mr.", "Mrs.", "Miss" and other "Officer", etc. Do not use first names, except when it relates to children
- Do not read newspapers, magazines, books, etc. in the courtroom during proceedings
- Do not talk at the same time as the Judge, counsels, witnesses or other court personnel
- Racist, sexist, obscene or profane language or gestures are prohibited unless it is pertinent to a case and is elicited and quoted from facts of the case
- Do not enter and depart from the courtroom excessively
- Do not disturb or distract the court, counsels, witnesses and other court personnel
- Children must not create a disturbance or must be kept out of the courtroom
- Do not approach the Judge's bench or Clerk's desk without permission
- Do not rest arms or hands on the bench
- Leave all purses, brief cases, etc. at the defense table when you are called to the Judge's or Clerk's desk
- Have all paperwork, driver's license, evidence, etc. ready when called to approach the Judge's bench
- Rise when the Judge enters and remain standing until the Judge announces "be seated"
- No food or drinks are allowed in the courtroom

I work to provide an environment that is fair to both the defendant and the prosecution. Hopefully, your experience in court will be a positive one.

*~ Judge Kelly Iselin*