

MUNICIPAL COURT OF PORT EDWARDS

Honorable Patrick J. McGrath – Judge

Kim Holcomb – Court Clerk
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201 Market Avenue
PO Box 10
Port Edwards, WI 54469
715-887-3531

The court has jurisdiction of traffic and non-traffic ordinances in the Village of Port Edwards. If you violate one of these ordinances a citation will be issued. The citation will indicate a date and time for your initial appearance before the Court.

INITIAL APPEARANCE

At this appearance you will be asked to enter a plea. You can enter a plea of guilty, no contest or not guilty.

- ❖ If you plead **GUILTY** it is an admission of the charges against you.
- ❖ A plea of **NO CONTEST** is similar to a plea of guilty and it will be treated the same as a guilty plea. However, you will not be admitting your civil liability for use in other litigation, which should be expected where personal injury or property damage is involved.
- ❖ If you plead **NOT GUILTY** it means that you feel that the charge against you is not correct and the case will be set for trial at a later date. Municipal court trials do not have juries, the Judge acts as the jury and will determine if you are innocent or guilty based on the facts that are presented to him.

If you wish, you may enter your plea with the court prior to your initial appearance date in writing. A notice of the scheduled trial date will be mailed to you.

You have the 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** expense. The court will not provide one for you.

TRIAL

You will receive notice of the date and time to appear for your trial. The prosecution shall 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 an 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 Court will determine your guilt or innocence. If the Court finds you Not Guilty, you will be discharged and the complaint against you dismissed. If you are found guilty, the Court will impose a penalty, taking into consideration the seriousness of the violation, the hazardous condition, if any that may have existed at the time, and your past record. If necessary, you may have up to 60 days to pay the forfeiture and costs.

APPEALS

If you are found guilty after trial, you have the right to appeal your case to the Wood County Circuit Court. All appeals must be filed in writing within 20 days after judgment. If you fail to meet this time limit, you have lost your right to appeal. The appeal fee, and bond, if ordered, must be posted upon filing the appeal. You have the right to a 6-person jury trial on appeal, upon payment of appropriate fees.

POST JUDGMENT PROCEEDINGS

If you are found guilty of the charges against you-

- ❖ You can pay the forfeiture immediately.
- ❖ You can set up a payment plan with payment in full within 60 days.
- ❖ If you are unable to pay at this time, you may ask the Court to defer payment until a future date.

If poverty guidelines apply-

- ❖ The defendant may request a stay but the Judge does not have to grant the stay depending on the circumstances.
- ❖ The defendant may request community service for all or part of the forfeiture. The Judge may or may not grant community service depending on the circumstances. If community service is granted it will be the responsibility of the defendant to set up their community service.