

TRIALS IN UNION GROVE MUNICIPAL COURT

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. If you fail to show up for your trial, you will lose your case and owe at least the amount of your ticket, and possibly more.

1. WHAT HAPPENS AT TRIAL?

This is a formal hearing where a Village Attorney and the Defendant have the opportunity to present their evidence before the Municipal Judge. The Village has the burden of proving its case by clear, satisfactory and convincing evidence. The Village puts its case in first. This usually involves calling witnesses and introducing documentary evidence. The Defendant is given the opportunity to ask questions of each of the Village's witnesses after the Village Attorney completes asking his or her questions. (This is called cross examination). After the Village 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 Village Attorney is entitled to cross examine any witness called by the Defendant. After all 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 state statute or Village ordinance that the Defendant is charged with violating, and determines whether he or she is guilty or not guilty.

2. WHAT SHOULD YOU DO TO PREPARE FOR A TRIAL?

- A. Are There Witnesses Whom You Want To Testify? If the answer is yes, you need to make sure that they will be there. On the day of trial, you are expected to follow the rules of evidence. Any 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 more than likely will not be admitted as evidence. If you have any doubts that a witness you would like to call to testify will appear voluntarily, you have the right to subpoena them into court. If you decide to subpoena a witness, contact the Municipal Court Office, 925 15th Avenue, Union Grove, WI 53182 at least two weeks before your trial date regarding the procedure to be followed and the costs involved.
- B. Photos, Maps and Drawings – if you think such documents will help the Judge understand your case, bring them to court. However, you or whomever took the photos or drew the drawings must be prepared to testify about how and when the items came into being.

C. Testimony by the Defendant – Think about what you are going to say before you testify. The Village Attorney will have the right to cross examine you. If you make a statement to the police or others, these statements can be used against you at the trial. If you want to have copies of any statement you made, other witness statements, or the police reports at the trial, contact the Village Attorney's Office no later than two (2) weeks before the trial. (You can obtain the name, address and telephone number by contacting the Village Court Clerk at 262/878-2668).

3. WILL I HAVE TO PAY MORE THAN THE AMOUNT ON THE CITATION IF I AM FOUND GUILTY?

Possibly, yes. First the Village Attorney may request payment for such things as witness fees (\$5.00 plus mileage per lay witness). Second, the fine amount on your citation is not the maximum fine in most cases. The Judge has the authority to impose a higher fine if he or she deems it appropriate. Finally, if you do subpoena witnesses, you will not be reimbursed for these expenses if you are found not guilty.

4. IF I AM FOUND GUILTY, CAN I APPEAL?

Yes, in the event you are found guilty, you have the right to appeal to the Racine County Circuit Court. The Judge will provide you with a copy of your appeal rights if you are found guilty.

5. IF I CHANGE MY MIND, CAN I SETTLE MY CASE BEFORE THE TRIAL?

Usually. Call the Village Attorney who is handling your case. Do not wait until the last minute. Call at least one (1) week in advance of your trial date.