STATE OF WISCONSIN MUNICIPAL COURT SHEBOYGAN COUNTY
CITY OF SHEBOYGAN AND VILLAGE OF KOHLER

TRIAL PROCEDURES IN MUNICIPAL COURT

This information is provided to all defendants who are taking their case(s) to trial, so that they will be better prepared for the proceeding

GENERAL

It is in you own best interest to prepare for your trial in advance. Wisconsin State Statutes and City of Sheboygan and Village of Kohler Ordinances are available in the public library and through the City of Sheboygan and Village of Kohler Web sites or Clerk's office. You should familiarize yourself with the appropriate statute or ordinance with which you are charged.

An attorney is not necessary to take your case to trial. If you desire an attorney you will need to hire one as a court appointed or Public Defender attorney is not available in Municipal Court.

PROCEDURE

This proceeding is a formal hearing where the City of Sheboygan or Village of Kohler Prosecutor and the Defendant have the opportunity to present their evidence before the Municipal Judge. In all cases the Defendant is presumed innocent until otherwise proven guilty. The City of Sheboygan or the Village of Kohler has the burden of proving its case by clear, satisfactory and convincing evidence. The City or the Village will present its case first. This usually involves calling witnesses and introducing documentary evidence. Once a witness for the City or the Village has testified the Defendant has the right to cross-examine the witness. You may only ask questions of the witness to elicit testimony that you want the court to hear. You may not get into a dialogue or argument with the witness.

After the City or the Village introduces all of the evidence that is wishes to present, then the Defendant has the opportunity to present their case if they so desire. The Defendant may call witnesses and introduce documentary evidence. The City or Village Prosecutor has the right to cross-examine any witness called by the Defendant. After all of the evidence and testimony has been presented the Defendant may then testify on their own behalf. It is not required that the Defendant testify. After this, both parties may then be asked to give closing arguments. The Judge then applies the admissible evidence to the specific state statute or city or village ordinance that the Defendant is charged with violating and determines whether the Defendant is guilty or not.

WITNESSES

If you wish to have witnesses testify for the defense you need to make sure that they will appear at the time of the hearing. All witnesses should have personal knowledge of the incident based on what the witness(s) saw or heard. The court cannot accept letters or statements written by witnesses in lieu of testimony.

Letters and statements are considered hearsay and by law must be excluded from admission. If you have doubts about the witness(s) voluntary appearance you should have them subpoenaed. Subpoenas are available through the Clerk at the Municipal Court's Office.

DOCUMENTARY EVIDENCE

If you have photos, maps or drawings that you believe are relevant to your case you should bring them with you. Whoever took the photos or made the maps or drawings should be prepared to testify as to how and when the items come into existence. The items must be presented to the opposing party before the Judge can see them. The opposing party has the option of objecting to their admission in the case based on legal precedent.

TESTIMONY BY THE DEFENDANT

If you choose to testify on your own behalf give though as to what you will be saying before the trial. If you do testify, the City or Village Prosecutor has the right to cross-examine your testimony.

POLICE REPORTS/WITNESS STATEMENTS

If you want copies of the police reports or any statements made by witnesses you should contact the City or Village Prosecutor prior to the trial. This is referred to as discovery. Chapter 800 of the Wisconsin Statutes governs discovery in Municipal court. It is limited to names and addresses of potential witnesses. Anything further that is requested should come from the Prosecutor.

FINDINGS/RULINGS BY THE COURT

If you are found guilty the court may include witness fees on the forfeiture. All statues and ordinances have forfeitures that have minimum and maximum amounts. The court will impose a forfeiture appropriate for the circumstances in each particular case.

WITHDRAWAL OF PLEA/APPEAL OF DECISION

If you choose to change your plea immediately prior to trial you may still be held responsible for witness fees. If you are found guilty and wish to appeal the court's decision; a form will be distributed to you that explains the procedure for appealing a case before Municipal Court.

BY THE COURT:
Honorable Natasha L. Torry
Municipal Judge