

MUNICIPAL COURT TRIAL INFORMATION
(Prepared by Judge Daniel Koval)

1. DO I NEED AN ATTORNEY FOR THE TRIAL?

You may or may not have an attorney represent you at the trial. An attorney will not be appointed to represent you by the court because the trials do not involve criminal charges.

2. WHAT HAPPENS AT THE TRIAL?

The City is represented by the City Attorney's office. The City has the burden of proving the violation(s) by evidence that is clear, is satisfactory, and convinces the judge to a reasonable certainty. The City will present their side of the case first. This usually involves calling witnesses and presenting other types of evidence, such as documents, photographs or maps. The City may call you to testify as a witness in their case. You will have an opportunity to question the City's witnesses. Your questions should be limited to the facts of the case and not arguments about the case. Once the City has presented their side of the case, you will have the opportunity to call witnesses and present evidence if you so choose. You may testify in your own behalf. The City Attorney's office is entitled to question your witnesses, including yourself if you testify. After the City and you have presented your cases, each party is given the chance to make a closing argument. The City makes the first closing argument, and then you have an opportunity to make a closing argument. The City has another chance to argue their position after that because they have the burden of proof in this case. After closing arguments, the Judge considers all the admissible evidence and applies that evidence to the City ordinance(s) that form the basis for the charge(s) to determine whether you are guilty or not guilty of the violation(s).

HOW TO REQUEST A TRIAL/HEARING BY TELEPHONE OR

ONLINE: If you are unable to personally appear for the trial/hearing you must contact the court at least ten (10) days before the trial/hearing date with your request, unless unforeseen medical issues or other valid reasons prohibit you from doing so. In that situation, you must contact the court as soon as possible with the reasons you need the accommodation. You must contact the court by email, if possible, at municipalcourt@cityofmadison.com with your name, the date of your trial/hearing, your address and your telephone number. If email contact is not possible you must contact the court by mail, fax or telephone with that information.

By Mail: Madison Municipal Court
210 MLK Jr. Blvd., Rm. 203
Madison, WI 53703

By Email: municipalcourt@cityofmadison.com

By Phone: (608) 264-9282

By Fax: (608) 266-5930

If the court approves your request to appear online for the trial/hearing, the following link provides information about how to appear virtually online:

www.cityofmadison.com/virtual-court-guide

3. PREPARING FOR THE TRIAL

a. Witnesses:

You need to make sure your witnesses are present for the trial. You will need at least two weeks before trial to subpoena them. A subpoena is a document, which orders a person to appear in court for trial. Subpoenas can be obtained from the court. Subpoenas must be personally served on the witnesses and the appropriate witness fees must be paid at the time the person is served with the subpoena. Do not mail the subpoena to the witness. The Court will provide you with the subpoena information. Do not bring in letters, written statements or affidavits. In most cases those documents are not allowed because they are hearsay.

b. What information can I get from the City about my case?

If you want copies of the police reports to prepare for the trial, you should request those reports in writing from the City Attorney's office on the date of your initial appearance or pretrial hearing or within 30 days of that date. You may also request in writing from the City Attorney's office a list of the witnesses the City intends to call at the trial. Usually the names listed on the police reports are the witnesses who may appear at the trial. Refer to Wisconsin State Statute 800.07 for more information on discovery in Municipal Court. The Judge will not read the police report before the trial and cannot read the report unless either party properly submits it at the trial. In some cases it may not be admitted because of hearsay problems. If you have any questions about police reports call the City Attorney's office at 266-4511 or write to them at: City County Building, Room 401, 210 Martin Luther King, Jr., Blvd. Madison, WI 53703-3345.

c. Photographs, maps, drawings, diagrams, and other documents:

If the items are relevant to the case, you may bring them to court. However, the person who created the document, drawing, diagram, or took the photograph, in most cases, must testify as to when, where and how the items were created.

IF YOU ARE APPEARING VIRTUALLY: All documents, drawings, diagrams, or photographs from the City or defendant/defense attorney should be submitted to the court no later than noon the day before the trial/hearing date and copies should be submitted to the opposing party. If that requirement is not followed, or if good cause is not shown for noncompliance, the court may deny the admission of the exhibit. Exhibits may be submitted by:

Email: zoom.municipalcourt@cityofmadison.com

Mail: Madison Municipal Court, 210 MLK Jr. Blvd., #203, Madison, WI 53703

FAX: 608-266-5930

Dropbox: Located outside the Martin Luther King Jr. Blvd. entrance doors.

4. WILL I HAVE TO PAY MORE THAN THE AMOUNT ON THE CITATION IF I DO NOT APPEAR FOR MY TRIAL, OR IF I LOSE AT THE TRIAL?

You might have to pay more. The dollar amount on your citation is not the maximum forfeiture in most cases. If you do not appear for your trial, or if you

are found guilty after a trial, a judgment will be entered against you and the Judge has the discretion to impose a higher forfeiture. In addition, there can be extra costs for witness fees, mileage fees and subpoenas.

5. IF I LOSE AT TRIAL, CAN I APPEAL?

Yes, there are three appeal options. Each one requires a filing fee. The judge will provide you with a copy of your appeal rights after the trial if you are found guilty. If the City loses the trial, the City can also appeal the decision.

6. CAN I SETTLE MY CASE BEFORE THE TRIAL DATE?

Usually you can settle the case before the trial if you do so at least one week in advance of your trial date. Call the City Attorney's office at 266-4511 if you decide to settle the case.

7. CAN I GET A CONTINUANCE OF MY TRIAL DATE?

If you are requesting a continuance you must file a written request with the court setting forth the reasons for your request and give a copy of that continuance request to the City Attorney's office. The written request should be filed as soon as you discover that there is a problem with the scheduled trial date and, except for extraordinary circumstances, the request shall be filed at least ten days prior to the scheduled trial date. Normally, the court will approve a valid request for a continuance from either you or the City provided it is the first request and it is made at least ten days prior to the scheduled trial date.

However, the court will be very hesitant to approve more than one continuance request or an untimely continuance request from either party unless exceptional reasons are provided to the court. The court will always determine whether your request for a continuance is approved. Your trial date has not been continued unless you are given a written order from the court to that effect.