

BRODHEAD MUNICIPAL COURT
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BRODHEAD, WI 53520
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municipalcourt@cityofbrodheadwi.us

Web-Site:

www.cityofbrodheadwi.us/departments/municipal_court/index.php

JUDGE: RICHARD BENNETT, SR.

COURT CLERK: LINDA FAESSLER

Not Guilty Plea/ Municipal Trials

Q. Do I need an attorney?

If you decide to take your case to trial, an attorney WILL NOT BE provided to you by the court. You may decide to choose to hire an attorney or represent yourself. If you choose to represent yourself, please read the following information carefully.

Q. What happens at a trial?

This is a formal hearing where the Prosecuting Attorney (represents the city) and the Defendant (you) have the opportunity to present evidence before the Municipal Judge. The City has the burden of proving their case by clear, satisfactory, and convincing evidence. The City will produce witnesses to testify as to the facts and circumstances of your case, including the arresting officer. You are permitted to cross examine each witness. When the City is done with its presentation, you then have the opportunity to testify on your own behalf, call your witnesses, and introduce evidentiary documentation. The City is permitted to cross examine your witnesses. After all the evidence has been heard by the Judge, you and the City each have the opportunity for closing arguments.

The Judge then applies the admissible evidence to the specific State Statute or City Ordinance that you were charged with violating, and makes a determination of Guilty or Not Guilty. If you are found Not Guilty, you will be discharged and the complaint and forfeiture will be dismissed. If you are found Guilty, the Judge will impose a forfeiture and you will have 60 days to pay.

Q. What about witnesses, my testimony, photos, maps, drawings, police reports, witness statements?

It is your responsibility to make sure your witness will be there on the night of the trial. If you have doubts that they will appear voluntarily, you have the right to subpoena them to court. Your witnesses should have personal knowledge of your case based on what they saw or heard at the time. You are responsible for the Witness Fees if requested by the subpoenaed witness.

Do not bring in letters or statements written by others at your request, they are considered hearsay and most likely will not be admitted as evidence.

If you have photos, maps, drawings that you believe will help the Judge to understand your case, be sure that whoever took the photos or made the drawings are prepared to testify about how and why the items came into being.

If you want copies of your statement, witnesses' statements taken by police, and/or the police reports, to help you prepare for trial, contact the City (Prosecuting) Attorney no later than two weeks before the scheduled trial date. The City's Attorney will need time to acquire police documents pertaining to your case, after your initial appearance date.

If you plan to testify on your own behalf, think about what you are going to say beforehand. If you decide to testify on your behalf, the City Attorney has the right to cross examine you.

Q. How much will this cost?

There is no cost to pleading Not Guilty. However, the City Attorney has the right to request payment for witness fees. Failure to attend your trial means you will be found Guilty and will be charged the forfeiture. The fine amount on your citation is not the maximum in most cases, and the Judge has the authority to impose a higher fee if he deems it appropriate. If you subpoena witnesses, you will not be reimbursed for these or other expenses, even if you are found Not Guilty.

Q. Can I appeal if I am found Guilty?

If you are found Guilty at Trial, you have the right to an appeal. All appeals need to be in writing and submitted to the Brodhead Municipal Court. It must be filed within 20 days after the trial (including weekends and holidays). All costs including appeal fees, forfeiture and costs must all be paid when the appeal is submitted. The appeal is forwarded to the Green County Circuit Court. They will assign a Judge and schedule the hearing.

If you fail to meet your 20 day time limit, you have lost your right to appeal. The appeal form can be obtained from the Municipal Court Clerk or the Municipal Court Web-Site.

Q. Can I settle my case after I make my plea of Not Guilty but before the trial date?

After a week or so to allow the City Attorney to obtain your file from the Police Department, you may contact the City (Prosecuting) Attorney Bryant B. Ray, 608-755-5050. You should contact him at least 2 week in advance of your trial date. Do not wait until the last minute.